

SPECIAL COMMISSION ACT, 1888.

MR. CHARLES STEWART PARNELL, M.P.,
AND OTHERS.

VOL II.

Report of Proceedings.

14th NOV., 1888, to 5th DEC., 1888.

Mr. MICHAEL DAVITT.

LEWIS & LEWIS,

10 & 11, Ely Place,

Holborn, E.C.,

*Solicitors for Mr. CHARLES STEWART PARNELL, M.P.,
and other Irish Members of Parliament.*

THE UNIVERSITY
OF ILLINOIS
LIBRARY

From the collection of
James Collins,
Drumcondra, Ireland.
Purchased, 1918.

941.58
G792s
v.2

This book has been treated for mold on:

October 24 2016

It is now safe to handle

Vol II

Application }
 " Sir C Russell }
 " Mr. Letters } 1125
 Agnew Charles 1179
 Attridge Tho 1428

Birmingham J. 823
 Burke J. 831
 Bennett A 853
 Breen Peter 942
 Brown Johanna 1172
 Browne E 1156
 Blake D. (RdC) 1164
 Buckle J 1411

Coleigh R (RdC) 764
 Charleston B (..) 769
 Conway John 835
 Clifford Tho 864
 Collatty John 871
 Carane, Inspector 889
 .. 911. 941. 1218

Connor John 894
 Curtin Mrs L 917. 928
 Cronhan Jas 1198
 Cronin D. 1206
 Co Kerry, Return Outrages
 " " 1149. 1292

Cahill Tho (RdC) 1367
 Cameron James 1423
 Capthorne H 1426
 Curtin E. 932. 1205

Donoghue E 773
 Drohan D (RdC) 903. 1207
 Dowling D 912
 Davis Inspector 1099. 1131
 Donoghue P. 1169
 Donle Jas (RdC) 1364
 Daly R 1423
 Daly Mrs M. 1436

Flanagan E 753
 Ford Jas 771
 Flynn Wm (RdC) 863
 Fitzmaurice Norah 944
 Fitzmaurice Ellen 1332
 Fitzmaurice Kate 1360
 Fawcett Peter 1177
 Foran P 1150

Gannon P 832
 Griffin Andrew 1198
 Gilboley J 1094. 1140
 Galvin Tho 1151
 Gloster A 1166
 Griffin Rev Leanon 1376

Vol II contd

Hegarty, M^r 757
 Herbert E 857
 Huggins Inspector 862
 " 908-915-1028
 Hickey, Mary 904
 Harris M^r (Rd C) 955
 Holderness H. 1189
 Horgan E 1154
 Hobbins, Constable 1387
 Hayes Mich^d 1264
 Hussey, S. 1267
 Hegarty, Jer^m 1302

Erwin W^m (Rd C) 957

Keaveney, O'. 810
 Kennedy, M^r 1180
 Kennedy, John 1197
 Kerry, Return Outrages
 " L^d 1149-1292
 Kelly, Tho^s 1211
 Kelleher C^p. 1327
 Kells G. (Rd C) 1436-1437

Leahy, Johanna 884
 Leonard M^r, J.D. 959
 Laign, Constable 1414
 Letters, application re
 " Sir C Russell 1125

McAuliffe J. 1215
 McCarthy, C. (Rd C) ~~886~~ 886
 McCarthy, D. 901
 McCarthy, Kate 903
 Maron, D. (Rd C) 1384
 Mehan, J. (..) 934
 Morgan, O. 826
 Mountmorres Vinc^{tes} 812
 " 812-
 Murphy, O. 776-1212
 Murphy, Jas 789
 McCarthy, C. (Rd C) 886

Koonan Tho^s 783

O'Connor W^m (Rd C) 822
 Outrages, L^d Kerry
 " Return of 1149-1292
 O'Brien C. (Rd C) 1161
 O'Brien J. (..) 1393
 O'Connor Tho^s. 1334
 O'Connor J^r 1329

O'Donoghue W^m 916

Vol. II Contd

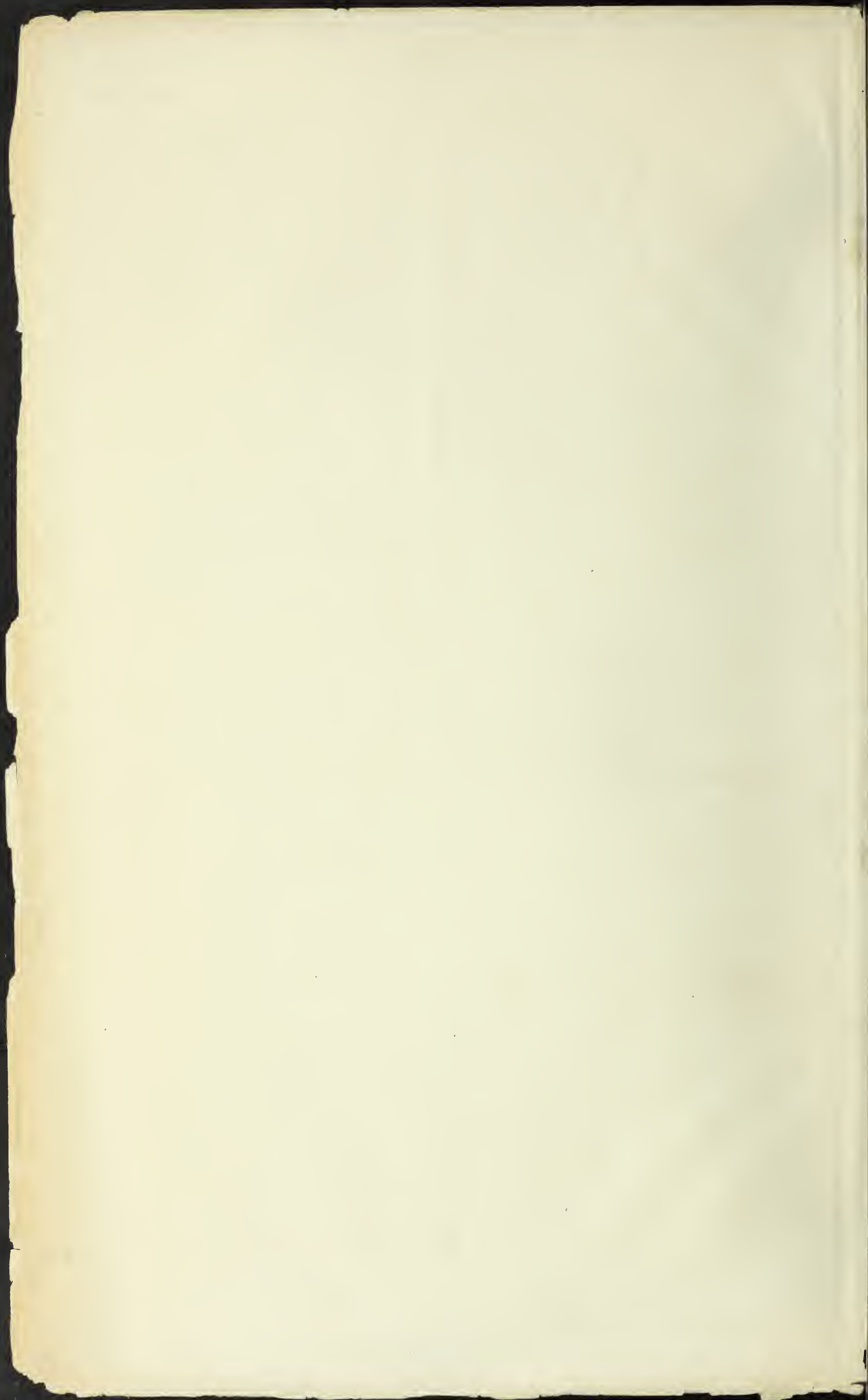
Russell P. in Charles	Wall Inspector 1431
.. application in re	Walsh J. 1402
.. Letters --- 1125)	Walsh P. 892
Return of Outrages 2	Williams H. 910
.. Co Kerry, 1149. 1292)	Williams P. 892
Ross G. 851	Williams R. 1390
Raycroft Haran 1427	Williams W. 908
Reardon L. 1363	
Regan Mary, 1262	
Regan Co. 1399	
Rice Inspector 1174. 1180. 1246	
Rudden M. 817	
Ruttle J. (R. 6) 1432	

Shea John 1260
 Shea J. (R. 6) 1200
 Sheehy Eugene 1261
 Shannon W. 1189. 1194
 Stornic R. 1371
 Stratten Tho 901. 1156.
 Sullivan J. 1209. 1424
 Sullivan P. 844. 891
 Swanton G. H. 1423
 Tweeny, D. 1361

Sheahan J. 1084

Handwritten text, possibly a signature or date, mostly illegible.

11 1/2



Mr Davitt

Enco
Return after
beginning
7 941.58
G 7923
v. 2
Great Britain - Special commission to inquire into charges and allegations
"Enco
rected Proof."

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT No. 1.

Wednesday, 14th November 1888.

EDWARD FLANAGAN recalled.

(Mr. Atkinson.) Will your Lordships permit me to ask the witness a few questions which I omitted to ask him yesterday?

(The President.) Certainly, but I should like to remark as far as the examination of this witness went last night we do not think it was pertinent to the matters in hand.

8721. (Mr. Atkinson.) You have already sworn that Stephen Joseph Meeney came to you in Jersey at the Steam Works to collect money for arms?—Yes.

8722. Who accompanied him? Did anybody accompany him?—Yes.

8723. Who accompanied him?—O'Donovan Rossa and Pat. Ford.

8724. Did they come with him more than once?—Only once that I saw.

8725. You also said that two men remained faithful to you after you were boycotted?—Yes.

8726. Named John Halloran and Michael Hoarty?—Yes.

8727. Was anything else done to Hoarty?—Yes.

8728. What was done to him?—His cows were burnt and all that was in the house, and his cart was burnt.

8729. How far does Hoarty live from you?—About a mile.

8730. (Mr. Justice A. L. Smith.) Where, in Galway?—In Galway.

8731. (Mr. Atkinson.) Did you identify any of the men who did this?—I identified the men who came and moonlighted with firearms.

8732. That is, moonlighted to Hoarty's?—Yes.

8733. Were they afterwards tried and convicted?—Yes.

8734. Were any of them members of the Land League?—There were two.

8735. What were their names?—Michael Noone and Michael Brannerly.

8736. Members of the committee or the general League?—Members of the committee.

Cross-examined by Mr. REID.

8737. Were you a member?—No.

8738. How do you know who were members of the committee?—Because I saw their names appear in the local paper, the "Tuam News," and I have seen them going into the League room every Sunday.

8739. And you have been into the League room?—I have been outside the League room.

8740. What were you there for?—Going to mass and coming from mass.

8741. At the League room I am speaking of; what were you at the League room for?—Passing it by going to mass and coming from mass.

8742. You say you got money from a man called Meeney for the purpose of getting arms?—I gave money to Meeney for arms.

8743. I think you said a little more than that. You said you gave money to Meeney, at all events, for the purpose of getting arms, and yesterday you said this: "Did Mr. Meeney collect money for you in America?"—From.

(Mr. Justice A. L. Smith.) I think it is "from."

8744. (Mr. Atkinson.) From you in America. "What for? (A.) For firearms for the West of Clare. (Q.) Did he give you any firearms?"

(The Witness.) He did.

14 Nov. 1888.]

EDWARD FLANAGAN.

[Continued.]

8745. (*Mr. Reid.*) Meeney you knew at that time was in association with O'Donovan Rossa?—Yes.

8746. And you knew at that time that O'Donovan Rossa was a dynamiter?—I knew in 1885 that he was a dynamiter.

8747. Do you mean to say you did not all through that O'Donovan Rossa was an open advocate of dynamite?—I did in 1885.

8748. Not till 1885?—Not till 1885.

8749. Did you not know at the time you gave this money to O'Donovan Rossa that O'Donovan Rossa was an advocate of outrage and murder?—The first time that I met Stephen Meeney it was in Pittsburgh, and O'Donovan Rossa was not with him at that time.

8750. I thought you told Mr. Atkinson he was with O'Donovan Rossa collecting money?—That was in 1885.

8751. Then you knew then he was a dynamiter?—Yes.

8752. Was it at the time that you gave him money?—I gave money in 1885 to Stephen Meeney.

8753. Did you give him money for the purpose of being used for dynamite outrages?—No, for the aid in Ireland.

8754. For what did you give him money?—For the aid of the distress in Ireland.

8755. Listen to what you said yesterday. I put in the correction which your Lordship told me. "Did Mr. Meeney collect money from you in America. (A.) He did. (Q.) What for?"—For firearms, in 1879.

8756. Is that for the relief of distress?—In 1879 it was for firearms.

8757. You say, in 1887 it was for firearms; in 1885 it was for distress; is that what you swear?—I could not know what was done with the money.

8758. And you did not care, I suppose?—No, I did not at that time.

8759. Would you have objected if it had been applied for dynamite?—Yes, I would.

8760. In 1885, when you came back from Ireland, you brought some firearms with you?—Yes.

8761. And you were sentenced to three months imprisonment for bringing them?—Yes.

8762. Let me understand; are you a member of a secret society?—No.

8763. Were you sworn in to any society in America?—No.

8764. Have you never been a Fenian?—Never; no Fenianism. I was only about five or six years of age when Fenianism was in existence.

8765. Do you mean to say you were not aware that Fenianism existed in 1880?—Not that I know of; I know nothing about it.

8766. You really tell me you are not aware that Fenianism existed in 1880?—I know nothing about it.

8767. Nor about any other secret society?—No, but the Hibernians in America.

8768. Were you one of the Hibernians?—Yes, I was.

8769. Is that a secret society?—It is not.

8770. It has got no oath, has it?—No oath.

8771. When you came back, after being in prison, did you give any information to the police or to anybody?—No, I did not.

8772. Who asked you to come here?—I was taken up on board the vessel after the preliminary inquiry before I convicted these fellows. I thought to emigrate to America before I could convict them.

8773. What date?—I could not tell you.

8774. What year?—This present year.

8775. And did you give information to the police then?—When I was taken up.

8776. When you were taken up, you gave information?—Yes.

8777. When, what month?—In May, last May.

8778. What were you taken up for?—I was taken up to give evidence against these fellows.

8779. Before the court, you mean?—Yes.

8780. Were you arrested?—I was.

8781. But you could not be arrested for the purpose of giving evidence; what were you arrested for?—I was taken up in Cork, and I thought to emigrate to America

14 Nov. 1888.]

EDWARD FLANAGAN.

[Continued.]

before I would convict these fellows, and before I gave the names to the police with reference to it.

8782. You say there was a moonlight outrage?—Yes.

8783. And therefore you knew about who had done it?—I did.

8784. How could you know that?—Because I was in the room.

8785. When?—When the armed party came into my bedroom.

8786. You did not wish to give evidence?—No.

8787. And you wanted to get away to America?—I wanted to get away to America.

8788. And you were arrested?—Yes.

8789. When you were arrested?—I was not in goal. I was only detained in Cork.

8790. When were you asked to give evidence in this inquiry?—I told the serjeant who was in charge of me in Cork that I had brought firearms with me from America, and he asked me some questions about the firearms, and that was all the information I gave.

8791. When did you know you were coming here as a witness?—About three weeks ago.

8792. You got the subpoena?—I did.

8793. And you had no information before?—No.

Cross-examined by Mr. DAVITT.

8794. Where was this meeting held in Pittsburgh. In what hall?—In Fifth Avenue.

8795. In Fifth Avenue Hall?—I could not tell you what hall. In Fifth Avenue.

8796. Fifth Avenue, in Pittsburgh?—Yes.

8797. Was it a large building?—It was.

8798. Was it a public meeting?—A public meeting. I could not tell you.

8799. Was it a private meeting?—I could not tell you whether it was public or private.

8800. Was it reported in the papers?—I could not tell you.

8801. Did you look at the papers the following morning to see whether it was reported or not?—No.

8802. Who else was present at the meeting besides you and Stephen Joseph Meeney?—There was lots.

8803. Do you remember any of their names?—My brother was there.

8804. Who besides your brother?—Lots of the boys around that I knew at home in Ireland were there.

8805. Can you give me any names?—I can.

8806. Who?—I can give some; Pat Fallen.

8807. Where does he belong?—He was a publican in Pittsburgh.

8808. Is he living in Pittsburgh now?—I could not tell you.

8809. Could you give me his address?—I could not tell you.

8810. What was his address there?—54, Funnell Street.

8811. Pat Fallen?—Yes.

8812. A publican?—Yes.

8813. Give me another name?—Michael Healey.

8814. What is his address?—224, Grand Street.

8815. What is he?—He worked at the Baltimore and Ohio Depôt.

8816. Give me another name?—There was more of the boys, which I forget.

8817. How many people were present altogether at this meeting?—There was about 100.

8818. And you do not know whether it was reported in the papers or not?—No, I do not.

8819. You say it was a Fenian meeting?—No; I do not know what meeting it was. I could not tell you.

8820. What was its object?—For collecting money for arms for the West of Clare.

8821. How were you admitted to the meeting?—Through the influence of my brother.

14 Nov. 1888.]

EDWARD FLANAGAN.

[Continued.]

8822. What was your brother?—He was the head of the Ancient Order of Hibernians.

8823. And was it a meeting of the Ancient Order of Hibernians?—I expect it was.

8824. Do you mean to swear it was. You swore a while ago that the Ancient Order was not a secret society?—I could not tell you whether it was or not. It is a society there.

8825. You say you belong to the Ancient Order?—I do.

8826. What division?—I could not tell you what division.

8827. I am a member of the Ancient Order of Hibernians and it is a benevolent society, and it is known by divisions. What division did you belong to?—I do not know what division I belonged to.

8828. Where did you join it?—In Pittsburgh.

8829. Who introduced you?—My brother.

8830. Did your brother belong to a society in Pittsburgh?—I do not know.

8831. What subscriptions did you pay to the Ancient Order?—I used to pay a dollar a week.

8832. A dollar a week?—Yes.

8833. Have you got your subscription card?—Indeed I have not.

8834. Did you ever get one?—I did.

8835. Where is it?—I do not know where it is now.

8836. You swear that you got a subscription card?—I do.

8837. And you swear you do not know where it is?—I do not, it might be in my trunk for all I know.

8838. Do you mean you gave money to Stephen Joseph Meeney for arms?—I could not tell you.

8839. Where is Stephen Joseph Meeney now?—I could not tell you.

8840. Do you know whether he is in Pittsburgh?—I do not know.

8841. Have you heard from him since then?—No.

8842. You met him subsequently?—In 1885.

8843. Do you know he is dead?—I do not.

8844. You swear you do not know he is dead?—This is the first I have heard of it.

8845. How long have you been in Ireland this last time?—Since 1885.

8846. You have not left the country since then?—No.

8847. Where have you been residing in Ireland since 1885?—At home.

8848. Where is your home?—In Holywell.

8849. Is that in Mayo?—No, it is in Galway.

8850. Do you read the "Tuam News"?—Sometimes.

8851. Do you remember reading of a funeral demonstration in Clare, a few months ago, on the occasion of the burial of Stephen Joseph Meany?—No.

8852. You swear you have not read that?—I have not.

8853. Then the one out of the 15 millions of the Irish race, in America, to whom you gave money for arms, happens to be dead?—That is the first I have heard of it.

8854. You swear that?—I do, positively.

8855. You say you attended a meeting with Ford, and Rossa, and Meany, somewhere?—In New York.

8856. When was that?—I could not tell you that meeting.

8857. Will you tell me the year?—1885.

8858. What time in the year?—I do not know.

8859. Was it in the beginning?—I do not know.

8860. Was it in the end?—I could not tell you; it was in 1885.

8861. What time in 1885, try and tell me?—I could not tell you.

8862. Was it a public meeting?—No.

8863. It was a private meeting; was it a meeting of the Ancient Order of Hibernians?—Yes, it was.

8864. Now just try and recollect the time of the year, because it will be necessary to get further information about this?—I cannot bring it to memory what time of the year it was.

8865. Was it long before you came home?—It was not.

8866. When did you come home? What month?—I could not tell you now the month I came home.

14 Nov. 1888.]

EDWARD FLANAGAN.

[Continued.]

8867. You remember you did come home?—I do.

8868. Try and recollect what time of the year it was you came home. Was it in March?—No.

8869. Was it in May?—I think it was in June.

8870. You left New York for Ireland in June?—Yes.

8871. Did the meeting take place immediately before you left, the meeting to which you have referred?—No, it was an earlier date still.

8872. Would it be a month before that?—It might.

8873. About a month?—Yes.

8874. Then that would be in the beginning of 1885?—Yes.

8875. Where, in New York, was the meeting held?—Forty-second Street.

8876. Where is Forty-second Street?—As you cross to Wechanken in Jersey.

8877. Where, in Forty-second Street, was the meeting held?—In the corner house.

8878. Whose was the corner house?—Sullivan's.

8879. What is Sullivan?—He is a publican.

8880. Then that meeting at which Stephen Joseph Meany and Rossa and Patrick Ford and you attended was held in that public-house?—Yes.

8881. You do not know whether it was an Ancient Order meeting or a Fenian meeting?—No.

8882. What was the object of the meeting?

(*Sir C. Russell.*) He said it was an Ancient Order meeting.

(*Mr. M. Davitt.*) You said it was an Ancient Order meeting a short time ago?—All the Ancient Order of Hibernians were there, a good many of them.

8883. Do you know how many there are in New York?—I could not tell you.

8884. You were a member of the Order, you know?—I could not tell you.

8885. Did you ever hear?—No.

8886. Did you ever try to ascertain the number?—No.

8887. Did you know anything at all about the organisation?—No.

8888. You joined it without knowing anything about it?—Well, of course I knew the drift of it.

8889. You do not know the number of the members of the Ancient Organisation in New York?—No.

8890. Well, I will tell you. There are over 40,000. How many would be present at this meeting?—I do not know how many there were at that meeting.

8891. Was your brother there?—No, he was in Pittsburgh at the time.

8892. You are not mistaken about Patrick Ford and O'Donovan Rossa and Stephen Joseph Meany being present at that meeting. You are not mistaken?—No.

8893. Would you know Patrick Ford if I showed you his photograph?—I should know him if I saw his person. I am sure I may not know him if I see his photograph.

8894. You have heard, I suppose, that photographs do not lie?—Of course, photographs differ.

8895. Will you describe the kind of man Patrick Ford is. Is he taller than I am?—He is not; not as tall.

8896. Well, what is his height?—About 5 feet 6 or 7.

8897. What age is he?—He is an old man.

8898. Seventy?—Oh, no.

8899. Sixty?—No.

8900. Fifty?—He is between 50 and 53 or 54 years of age.

8901. Do you call that an old man?—No.

8902. Is he as fair as you, light complexion, like you?—No.

8903. What is he, red?—Dark.

8904. Very dark?—Not very.

8905. Then he is between fair and dark?—Yes.

8906. Does he wear spectacles?—Well, I could not tell you what he wears. He did not wear any spectacles when I saw him.

8907. Was there money subscribed at this meeting?—There was.

8908. Did you subscribe some?—I did.

8909. What for?—For the distress.

8910. In 1885; where was the distress in 1885?—In Ireland.

14 Nov. 1888.]

EDWARD FLANAGAN.

[Continued.]

8911. What part?—I could not tell you.

8912. Then why do you say there was distress in Ireland if you cannot tell me where it was?—That is what the money was collected for.

8913. Did they tell you before you generously subscribed, as usual, what part of Ireland the distress was in?—They did not.

8914. I want to ask you again, and I want to caution you. Did you know when you went into that witness box yesterday that Stephen Joseph Meany was dead?—I did not.

8915. Will you swear you did not read it in the "Tuam News"?—Positively. You are the first man who has told me he was dead.

8916. Do you get the "Tuam News" regularly?—No.

8917. When at home?—Not very.

8918. Do you read "United Ireland"?—No.

8919. You have an objection to that paper, I suppose?—No.

8920. Do you read the "Irish Times"?—No.

8921. The "Dublin Express"?—No.

8922. None of the Cork papers?—I am not a man for reading the papers at all.

8923. Not much?—No.

8924. You are chiefly concerned in attending meetings in America?—Sometimes.

8925. And subscribing money for arms?—Once.

8926. You say Stephen Joseph Meany gave you the revolvers you brought to Ireland?—He did.

8927. Where did he give them to you?—In New York.

8928. Where in New York?—In Sullivan's public-house.

8929. Was that in May 1885?—It was in 1885.

8930. In May 1885?—Perhaps it might be.

8931. Was it at the meeting where Ford and Rossa were present?—After the meeting.

8932. In the same public-house?—Yes.

8933. Was anybody else present?—Mr. Sullivan was in the private room.

8934. He said Mr. Stephen Joseph Meany gave you the revolvers?—He did.

8935. And you brought them to Ireland?—I brought one.

8936. What did you do with it?—It was taken off me.

8937. Did you get it back again?—No.

8938. Did you write to anyone in Ireland before you left New York that you were coming with revolvers?—No.

8939. Where is the revolver now?—I could not tell you.

8940. Are you in communication with your brother in America?—No.

8941. Have you written him any letter since 1885?—No.

8942. Have you written to Mr. Sullivan at the corner of Forty-second Street?—No.

8943. Have you written to Patrick Ford or O'Donovan Rossa?—No.

8944. You know nothing about them?—No.

8945. Then you swear again that at the meeting at which you were present of the Ancient Order of Hibernians, at the corner of Forty-second Street, Patrick Ford, O'Donovan Rossa, Stephen Joseph Meany and yourself were present?—Yes.

8946. And Sullivan too?—Yes.

Re-examined by Mr. ATKINSON.

8947. Were you examined as a witness at the trial of these four men you have identified?—I was.

8948. Where were they tried?—At Wicklow.

8949. You were examined as a witness?—Yes.

(Mr. Atkinson.) I will just here read a speech by Father Welsh on the 12th May 1883. It is on page 3 of "United Ireland" of that date. "Father Welsh sent on to say that he sent to Ireland for Land League purposes during the year 62,754 dollars, and for relief 23,652 dollars, and there was a balance in hand of 4,915 dollars. Referring to the 376 dollars sent to the mother of the boy Welsh who was hanged for a crime he did not commit, he stated that he had been informed that the poor woman knew who had committed the murder, but like the noble Irish mother that

14 Nov. 1888.]

MICHAEL HOARTY.

[Continued.]

“ she was, she would rather sacrifice her son than turn informer.” That is the report of the Philadelphia convention.

(*Mr. Reid.*) Is that a report of a report in the American paper, or does it purport to be an original report.

(*Mr. Atkinson.*) It purports to be an original report.

MICHAEL HOARTY sworn ; examined by Mr. MURPHY.

8950. Do you live in Galway ?—I do.

8951. In 1879 and 1880 were you living there ?—I am living there since I was born.

8952. Do you remember joining the Land League there ?—Yes.

8953. You were a member of the Shainaglish branch of the National League ?—Yes.

8954. Were you on the committee ?—Yes.

8955. Who was the secretary ?—Dr. Geoghehan.

8956. Who generally acted as president or chairman ?—Father Cassidy, Catholic curate.

8957. Can you recollect when the formal organisation of the Land League took place, when it was regularly constituted, what year that was in ?—Well, not exactly. I cannot bring it to memory, because it was started all over the country before we started a branch.

8958. Before the Land League was regularly started, had there been speeches made in the neighbourhood about the land question ?—No, I think not.

(*The President.*) I have not got the date.

8959. (*Mr. Murphy.*) I am afraid he cannot give the exact date. As nearly as you can, what would be the date when you think it would be started ?—I think it was in the latter part of 1881.

8960. There is a date. I can, perhaps, assist you in this matter. You said Geoghehan was the secretary ?

(*Sir C. Russell.*) He said the latter part of 1881.

8961. (*Mr. Murphy.*) Did you say Geoghehan was the secretary of it ?—Yes.

8962. Did he remain so, or did he go away ?—He remained there during the time the League remained in force there.

8963. What became of him then ?—He left there, I believe, and went to Dublin, I think, to finish his studies, something of that.

8964. Did he ever come back there ?—He did, he is back there again.

8965. When did he come back again ?—When he came back would be about 12 or 18 months after.

8966. Did he go away for a time ?—He did, I think ; he went to finish his studies in Dublin.

8967. You think that is what he went for ?—Yes, I should say so.

8968. Do you remember what time that was ?—Well, I could not say.

8969. Do you remember hearing of the passing of Mr. Forster's Coercion Act ?—Yes, I remember that.

8970. Was it before or after that ?—It was about the same time.

8971. That was the time he went to finish his studies ?—Yes.

8972. How long before that had the branch been organised ?

(*Sir C. Russell.*) He does not say before that at all.

8973. (*Mr. Murphy.*) If he was secretary it must have been ?—He was two years, I think, on it.

8974. Before he went to finish his studies in the way you have told us ?—Yes.

8975. What was the sort of business that was done on the committee ?—We wanted to get a fair reduction from our landlords, and to get the land under Griffiths's valuation if we could.

8976. What was to be done to the people that paid more than Griffiths's valuation ?

(*Sir C. Russell.*) I must really object to that.

(*Mr. Murphy.*) What if anything was done ?

(*Sir C. Russell.*) No, no. What if anything—what does that mean ?

(*The President.*) Attention must be directed to something in some way.

14 Nov. 1888.]

MICHAEL HOARTY.

[Continued.]

(*Sir C. Russell.*) Yes, but not in the way to give the witness the suggestion of an answer—what was said or done.

(*The President.*) On such or such a subject.

(*Mr. Murphy.*) It is suggested the witness wants to sit down, he has been shot. [The witness was allowed to be seated.]

8977. Tell me what was the business that was done at this committee. Of course you told me what you wanted—that you wanted to get a reduction of your rent—but what business was done at the committee?—That would be the chief business,

8978. How was that to be effected, how were you to get a reduction of your rent?—They passed resolutions amongst themselves to try and get the people in unity with one another, and not to pay but a fair rent.

8979. How was that to be carried out? If people did pay more than a proper rent what was to be done to them?—They were paying it like shot.

8980. Paying the full rent?—Yes.

8981. Going behind one another's backs you mean?—And paying it, and I know I was regretting myself by my landlord—I was bailed out myself in Galway.

8982. When the people paid like that did they pass any resolution?—No one; not during the Land League.

8983. What did they say about paying the rent; small farmers like yourself?—They wanted the people to boycott them, or something like that; still, they were not boycotted.

8984. Did they pass resolutions that they should be boycotted?

(*Mr. Reid.*) Do not lead.

(*Witness.*) Well, I do not think they did.

8985. (*Mr. Murphy.*) Was there any talk about taking evicted farms?—No one should take a farm up to this day that a tenant would be evicted from.

8986. Was there a resolution of the committee about that?—Well, I do not really think there was.

8987. Was that said?—Oh, it was said.

8988. At these meetings?—Yes.

8989. What was to happen to anybody taking an evicted farm?

(*Sir C. Russell.*) Again, my Lord, I must object.

8990. (*The President.*) Was anything said on the subject?

(*Sir C. Russell.*) And by whom and when?

8991. (*Mr. Murphy.*) Was anything said at these meetings on the subject of what was to happen to people who took evicted farms?—They were to be boycotted, I think, sir; that was all.

8992. Now, who have you seen; give me the names of some of the people who used to attend the committee meetings?—The names of them?

8993. Yes; try and think of some of the names?—Mat Macnamara was one, I think.

8994. Who else?—Pat Ford, Michael Gerraty, James Fogherty, James Bourke, Pat Holmes, John Geoghegan, and Alfred Geoghegan.

8995. Did they meet in a house, or where did they meet?—They met in a house.

8996. Whose house?—Michael Loughmane.

8997. Was that in Gort, or where?—In Slanigalish.

8998. Now, in addition to attending these committee meetings did you attend public meetings of the League?—No, I attended no public meetings, but a public meeting was held in Gort.

8999. Was Stephen Meeney there?—Stephen Joseph Meeney, he was.

9000. Did he make a speech there?—He made a speech there.

9001. I will not go into what he said. I have evidence upon that, *a liunde*. Was the station master there, do you recollect?—He was.

9002. What was his name?—Mr. Morony.

9003. Do you remember anything about Mr. Latty being boycotted?—There was something about his meadows, some meadows that he had to sell. There was an order posted up at the chapel-gate one Sunday boycotting his meadows, and the meadows of another labouring man named Sheehan.

9004. Do you remember were there marks on this notice at the chapel-gate?—Marks?

9005. Yes, marks of anything?—I do not remember, I do not know, I did not see; but I heard it was in it. I was not at mass the Sunday it appeared.

14 Nov. 1888.]

MICHAEL HOARTY.

[Continued.]

9006. You did not see it, and, therefore, I cannot ask you about it?—No.

9007. Do you remember anything happening at Mr. Latty's house after that?—I heard there were shots fired.

9008. (*Sir C. Russell.*) Were you there?—No.

9009. (*Mr. Murphy.*) Were you not there?—No, I was not. I heard of it.

9010. You heard what that was?—Yes.

9011. Do you remember after that notice at the chapel, hearing of something happening at his house?—I am not sure whether it was after that notice, but I think it was a good bit after that notice appearing.

9012. Did all this happen before or after Dr. Geoghehan went away?—No. I know the notice is up on the chapel gate boycotting the meadows when Dr. Geoghehan was there.

9013. Are you a Fenian or not?—I believe I was for a little —

9014. For about how long?—Oh, four months, I think.

9015. Were there many others of the members of the Land League Fenians or not?—Well, I do not think any of them was, they were all old men.

9016. Where?—In the committee of the League.

9017. Were there any more of the members of the Land League who were Fenians to your knowledge?—I do not know that, sir.

9018. That is what occurred at the Land League. Now, in July 1887, I am passing from that now, was your house attacked on the 16th October?—It was.

(*Sir C. Russell.*) You said a moment ago in July 1887.

9019. (*Mr. Murphy.*) In July 1887 was anything done to some of your turf?—Yes, there was.

9020. What was done?—About 25 of it was burnt.

9021. And in October was your house attacked by the moonlighters?—It was.

9022. Was there anyone in your house at the time?—There was.

9023. Who was that?—Edward Flanagan.

9024. That is the last witness?—Yes.

9025. Had you done anything you know of to call for a visit from the moonlighters?—No, nothing in the world.

9026. Did you know Edward Flanagan, the last witness' brother?—His brother?

9027. Yes.—Is it Michael?

9028. Yes, Michael.—Yes.

9029. Was he in the country at that time?—He is there all the time.

9030. Do you know whether he was an evicted man, or not?—Yes.

9031. He was?—Yes.

9032. Were you on friendly terms with him?—Yes.

9033. You have told me you joined the Land League. Did you ever join the National League?—No.

Cross-examined by Sir C. RUSSELL.

9034. Did you hear it suggested that this last witness had to do with that visit of the moonlighters to you?—I do not catch the meaning of your words.

9035. What is the name of the last witness?—Edward Flanagan.

9036. Did you hear it suggested that he had anything to do with the moonlight visit to you?—That he had anything to do?

9037. Aye.—No, I never did.

9038. Or that he had anything to do with the police in relation to it, just think?—I do not catch the purport of your words.

9039. I will try and get it in another way. What did the moonlighters do?—They fired several shots in at the back door of the house first, before they came in. I suppose they thought I was inside at the time, and that I might empty my gun, and they would break in the door and take my gun from me; but I happened to be out at the time.

9040. Then you do not know, except what you were told?—No; only I found the bullet holes on the back door of the house.

9041. Who were in the house?—Edward Flanagan.

14 Nov. 1888.]

MICHAEL HOARTY.

[Continued.]

9042. The last witness?—Yes; and my mother, over 80 years of age, and a little nephew of mine.

9043. Was Flanagan a friend of yours?—He was a neighbour of mine.

9044. And a friend?—Well, he acted in the capacity of a friend to me.

9045. Did you know of his being backwards and forwards to America?—Yes.

9046. Was it he that swore you in a Fenian?—No.

9047. When were you sworn in a Fenian?—In 1879 or 1880, I am not sure which.

9048. You knew there were a good many Fenians about your neighbourhood?—Well, I was of opinion that there was.

9049. Any Ribbon men about your neighbourhood?—Oh, no, I think there was not.

9050. Or any other secret society?—No, I think not.

9051. Whereabouts do you live, you have not told us?—I live in the townland of Lochfyle, in the parish of Baher.

9052. What is your nearest village or town?—Gort.

9053. And how far from Gort?—About three miles, three Irish miles.

9054. Now will you just tell me again, please, when you say the Land League branch was started in your neighbourhood?—In our parish?

9055. In your parish.—In Shanaglish. The chapel is for the parishes.

9056. Who was the president?—Father Cassidy.

9057. Who is the secretary?—Dr. Geoghegan.

9058. Who was the treasurer?—John Geohegan.

9059. Was Father Cassidy the parish priest or curate?—The curate.

9060. What was the name of the treasurer?—John Geohegan.

9061. Is John Geoghegan a farmer?—He is.

9062. Was Dr. Geoghegan his son?—No, a brother of his.

9063. Was Dr. Geoghegan also learning his profession of a doctor?—Yes.

9064. He went up to Dublin you say to finish his —?—Studies.

9065. Was that the reason?—I do not know. I heard that that was the reason.

9066. Where is he now practising his profession?—He is setting up business in the town of Gort, I think.

9067. Three miles from where you live?—Yes, from his own place.

9068. From his brother's place?—Yes.

9069. And the place his father lived there before him?—Yes.

9070. In addition to those three whom you have mentioned as being president, treasurer, and secretary of the Land League, how many did the committee consist of?—I think nine more.

9071. Were these respectable farming men about the neighbourhood?—They were.

9072. All of them?—All of them.

9073. I think you were understood to say old men?—Yes.

9074. That is to say, not as young as yourself?—I was the youngest of them.

9075. You were one of the committee, were you not?—Yes.

9076. Now, you say the League was established in order to get a fair reduction of rent?—Yes.

9077. And to Griffiths's valuation, if possible?—Yes.

9078. I should just like to ask you, was there in 1878 and 1879 a great deal of distress in your neighbourhood amongst the small people particularly?—Indeed, there was.

9079. I am reading from an official account, but I would like to ask you whether this would be a correct description. "Neighbourhood of Gort, county of Galway, suffering of the people intense. Small farmers, tradesmen, and labourers; failure of crops; no employment; some actually starving."

(The Attorney-General.) Why do you say it is an official report?

(Sir C. Russell.) Because this is the official report of the Mansion House Relief Fund.

(The Attorney-General.) With reference to that, you state it was an official account.

(Sir C. Russell.) I do.

(The Attorney-General.) I think you will find it is not an official account, but a quotation from some report made.

9080. (Sir C. Russell.) You may object. That is the statement—that they are starving. That is all. Is that a fair account of the condition?—It is a very fair account.

14 Nov. 1888.

MICHAEL HOARTY.

[Continued.]

9081. Of the people about Gort?—It is very fair.

9082. Now, up to the time that the Land League was started to try and get what you call a fair reduction of the rent, had the landlords made any move whatever towards relieving the people?—Yes, one or two of them did. I know that Captain Shaw Taylor had.

9083. I believe you are quite right. He was mentioned before as a good landlord—Captain Shaw Taylor. Anybody else?—Well, I think Mr. Latty. I am not however sure, but I think Mr. Latty gave some reduction to his tenants.

9084. Now attend to me. Could the people live and pay the rents that they were then under?—Could they not pay the rents?

9085. I say could they live and support themselves and pay the rents that they were then under?—No, they could not—they positively could not.

9086. You say the committee passed resolutions to keep the people in unity with one another?—Yes.

9087. Was a minute book kept of the Land League in which the proceedings were put down?—Well, I think there was.

9088. You have said that the talk was that no man would take or should take an evicted farm?—Yes.

9089. And that was the feeling of the whole neighbourhood?—Yes, that was a holding where a poor man would be evicted from that would not be able to pay his rent until he got some sort of settlement from his landlord.

9090. Was there, as long as you can recollect, a strong feeling against any man taking a farm from which a poor man, as you say, was evicted?—There was no farm in my part of the country ever taken out of which a poor man was evicted.

9091. No farm ever taken?—No, nor want I think neither.

9092. Has that feeling, rightly or wrongly, existed as long as you can recollect?—Yes.

9093. Now I must put this plainly to you. Is there any truth in stating that the committee, or the members of the Land League, did anything to encourage outrage in your neighbourhood?—No, certainly not.

9094. What outsiders or moonlighters may have done is another thing?—Yes, the people of that League had nothing to do with any outrages, certainly not.

9095. I should like you to give us the names, as far as you can, of the committee. You have given us the names of three. Was Mat. Macnammara a member of it?—He was.

9096. Pat Ford?—Yes.

9097. Michael Garraty?—Yes.

9098. Of the committee I am speaking of?—Yes, of the committee.

9099. Was Foggerty?—Yes.

9100. Was Holmes?—Yes.

9101. Was Burke?—Yes.

9102. You have already mentioned John Geogeghan?—Yes.

9103. And yourself, did that comprise the committee?—Yes, there was a few more.

9104. Can you tell us their names?—Michael Nee, and John Halloran, and John Boran.

9105. I want to know in reference to this outrage upon your own house when these moonlighters came. I think we heard some person or persons were punished for it?—There was.

9106. Who were they. Give us their names?—Michael Cahill, Michael Brammerly, Michael Noone, and Thomas Ryley.

9107. I think you said some of them were members of the Land League?—No, I did not say they were members of the Land League.

9108. Were they, as far as you know, members of the Land League?—I think two of them were young fellows, and their parents were members of the League.

9109. I am obliged to you for correcting me. Then their only connexion, as far as you are able to say with the League, was that two of the men were sons of members of the League?—Yes; of the Land League, of the old Land League.

9110. And except that, as far as you know, were they in any way connected with the Land League, except that these two boys were sons of members of the Land

14 Nov. 1888.

MICHAEL HOARTY.

[Continued.]

League?—That is all I know of them. I do not know myself whether they themselves were members of the League or not; I could not say.

9111. Now you have been asked about a notice that was put up near the chapel?—Yes, on the chapel gate, so high.

9112. The chapel wall or gate?—Yes.

9113. Something about Latty's meadows?—Yes, about boycotting Mr. Latty's meadows, and Thomas Sheehan.

9114. At that time were you still a member of the Land League committee?—Yes.

9115. So far as you know had the Land League committee anything whatever to do with that?—I am quite sure they had not. It must have been some individual spite.

9116. Now you were a Fenian, you say, for some four months?—About that.

9117. When was it you ceased to be a Fenian?—About four months after joining it.

9118. Did you attend to your duties?—Yes.

Cross-examined by Mr. DAVITT.

9119. I have one question to ask you. You say you were a Fenian at one time?—I was.

9120. You were a Land Leaguer?—Yes.

9121. And your house was attacked by moonlighters?—Yes.

Re-examined by the ATTORNEY-GENERAL.

9122. Why was your house attacked, as far as you know?—I think it was for being intimate with Michael Flanagan.

9123. What had happened to Michael Flanagan?—Nothing at the time; there was nothing done to Michael Flanagan. It was done because I had known the man.

9124. You said because you were intimate with Michael Flanagan?—Yes.

9125. Why should he give any offence?—They wanted to boycott Michael Flanagan for taking a farm.

9126. And you remained intimate with him?—Yes, and I am intimate with him yet.

9127. And that is the only cause you can give for the outrage that was done upon your house?—That is the only cause.

9128. Had you joined the National League at that time?—I did not join the National League at all. I wanted to give it a trial first to see how they would get on. I did not like how they were going on; I did not like their ways.

9129. You did not like their ways of going on?—They were not going on fair principles. They did not carry on in the rules of the League as it was carried on all over Ireland.

9130. What was that?—They carried on on their own hook.

9131. The National League did?—Yes, in our part of the country.

9132. You said nobody will take a farm from which a man has been evicted?—No, they will not.

9133. Why not?—They want a poor man to live in his own country in his own place.

9134. What will happen if he takes an evicted farm?—Well, I suppose if they get a chance of it they will boycott him.

9135. Now, do you remember what the resolutions were that were passed at the meetings of the Land League?—No, I do not, sir.

9136. Now, do you remember who kept the minute books that were kept?—I think it was the secretary.

9137. That was either John Geoghegan or Dr. Geoghegan?—Yes.

9138. Which was it "Dr." or "John"?—Doctor.

9139. When did you last see the minute book?—I did not see it first for four or five years, I suppose.

9140. Who had it then, Dr. Geoghegan?—Yes.

9141. Now you have said that the members of the League where you were did nothing to encourage outrage. Did the members of the Land League say anything at

14 Nov. 1888.

MICHAEL HOARTY.

[Continued.]

these meetings about boycotting if a man took an evicted farm?—They did, sir, they did; but there would be nobody take an evicted farm, and then they could not boycott anybody.

9142. If nobody took an evicted farm there was nobody to boycott?—Yes.

9143. What did they say about boycotting in connexion with taking an evicted farm?—Not to use any freedom with him; not to buy or sell to him.

9144. That is what you say?—Yes.

9145. What did they say about it if anybody paid the rent behind the back of another; what was to be done with him?

(*Sir C. Russell.*) Who said?

(*The Attorney-General.*) At these League meetings.

(*Witness.*) To boycott him if they could find him out, but when they paid their rent unknown to them they would not know how they paid it, or who would pay.

9146. If they could find him out they would boycott him?—Yes.

9147. Did you know what boycotting meant?—I would think it meant, as I said before, not to have any communication with him, nor deal with him, or have anything of him.

9148. Or buy or sell from him?—Or buy or sell from him. Starve him out in any case.

9149. Starve him out in any case. I wish to ask one question in connexion with that. Try and remember if you please. Were any names mentioned of anybody who had paid their rent?—No, I do not think there was.

9150. Or of anybody who had tried to take an evicted farm?—No.

9151. Are you sure?—I did not hear of any in our parish.

9152. You have been asked about Latty, and this notice put up about Latty. What was the notice; what was it about Latty?

(*Sir C. Russell.*) He said he did not see it.

(*The Attorney-General.*) You have cross-examined about a notice being put up at the time he was a member of the Land League. You have got from him a statement that he had knowledge of it.

(*Sir C. Russell.*) Certainly; that does not entitle you to ask him what was in the notice when he did not see the notice.

(*The Attorney-General.*) I will ask him in another way. When did you first hear of the notice.

(*Witness.*) I think it was the Sunday evening, after the mass.

9153. Where?—At home.

9154. Who from?—Some one in the neighbourhood that was at mass. I could not exactly say.

9155. Told you of it?—Yes.

9156. Had you been attending Land League committee meetings shortly before that?—The Sunday before that.

9157. Now think carefully. Had Latty's name been mentioned at that meeting?—No.

9158. Will you swear that?—I am positive of that.

9159. Or Sheehan's?—No.

9160. Did you know what Sheehan was supposed to have done?—I know he took a farm that was up for sale.

9161. Had anybody been evicted from it, or what?—No, sir; the man that had it before he skeddadled away for America, left four or five years' rent due when he went away to America.

9162. I think you said he skeddadled away to America?—Yes.

9163. Four or five months before?—No, he left four or five years' rent due.

9164. I want to understand, what was there, as far as you heard, what was it that Sheehan had done wrong?—He had done nothing wrong.

9165. Why should anything have been done to Sheehan's meadows?—I do not know no more than Mr. Latty; there had no right to be anything done to his meadows.

9166. Do you know what did happen to Sheehan?—No, sir; nothing happened to him.

9167. Or to Latty?—I heard there were shots fired into Latty's house.

14 Nov. 1888.

MICHAEL HOARTY.

[Continued.]

9168. You gave Michael Brannerly and Michael Noon, and I think you told either Mr. Murphy or Sir Charles Russell they were members of the committee of the National League?—No, sir.

9169. Will you swear to that?—I do.

9170. Of the Land League?—Of the National League.

9171. Either one or the other?—They were members of the committee of the National League; but they were not members of the Land League in my time.

9172. Michael Brannerly and Michael Noone were members of the National League?—Yes; they were auxiliary members, as they were called

9173. Did you know whether anything happened to those men?—Yes.

9174. What?—They are for six months in Tullamore Gaol.

9175. What for?—For paying me a moonlight visit.

9176. Those two men, Michael Brannerly and Micheal Noone were convicted for paying you a moonlight visit, and were members of the National League?—They were.

(Mr. Biggar.) I want to ask a question arising out of the last question.

(The Attorney-General.) You must ask permission first.

(Sir C. Russell.) I want to ask one question.

(The Attorney-General.) You cannot.

(Sir C. Russell.) I am going to ask the permission of the Court.

(The President.) I only want to know the subject of it.

(Sir C. Russell.) Whether he is aware that afterwards, and in consequence of the conduct of some of the members of the branch of the National League, whether he is aware that that branch was suppressed by the central authority?

(The President.) I think it is a legitimate question. A great many questions have been put on both sides, but as far as I am concerned, I must express my satisfaction that the questions have been put in general form. Certainly I think that is a legitimate question.

9177. (Sir C. Russell.) Did you know that the local branch of the local league was by the authority of the central body in Dublin suppressed?—I do not know the central body.

9178. Do you know it was suppressed?—Yes.

(Sir C. Russell.) That is quite enough.

(The President, to Mr. Biggar.) What are you going to ask?

(Mr. Biggar.) The question I wish to ask is whether the witness knows whether the jury which convicted those men was a packed jury.

(The President.) No, no.

Further re-examined by the ATTORNEY-GENERAL.

9179. When, as far as you know, was the National League suppressed, the branch in your neighbourhood, Shanaglish I think you call it?—I think it was not in being when the moonlighters came to me in any case.

9180. You think it was not in being when the moonlighters came to you?—No.

Sergeant RICHARD CREIGH sworn; examined by Mr. ATKINSON.

9181. Were you stationed near Shenaglish?—Yes.

9182. Did you arrest four men for visiting the house of the last witness?—I arrested one of the four.

9183. What was the name of the man you arrested?—Michael Brannelly.

9184. Was he subsequently convicted?—Yes.

9185. Did you search him after you arrested him?—Yes.

9186. Did you find any card upon him?—Not upon him. I found it in the house.

9187. The house where he lived?—Yes, in his house.

9188. Have you got the card?—Yes.

9189. Produce it, please. (It was handed to the learned Counsel.)

14 Nov. 1888.

RICHARD CREIGH.

[Continued.]

9190. (*Mr. Justice A. L. Smith.*) When did you arrest him?—On the 25th of last May.

9191. (*Sir C. Russell.*) May 1888?—May 1888.

(*Mr. Atkinson.*) The card is, "The Irish National League. Union is strength. Michael Brannelly, Bunasheagh, was admitted a member of the Michael Davitt Branch this second day of August 1885. James O'Doherty, C.C., under secretary, pro tem."

9192. Was there a branch of the National League at Shenaglish?—There was some time ago.

9193. When did it cease to exist?—It is not in working order for the last 18 months.

9194. Do you know whether it was suppressed or whether the members quarrelled amongst themselves, or what put an end to it?—Well, I heard it died out itself. There were some disputes amongst the members and they died away gradually, I believe.

9195. Are you able to fix a date at all as to when it ceased to exist?—No, not very accurately. I should think about 18 months ago.

Cross-examined by Sir C. RUSSELL.

9196. Sergeant, how long have you been in the police force?—About 14 years.

9197. And how long have you been stationed in Galway?—Over six years.

9198. Will you just tell me this. Is Shenaglish in the east riding of Galway?—No, the west.

9199. Is it part of the duty of the police to collect returns of the various crimes in their district and forward those returns to the authorities?—I am not aware of that.

9200. What?—I am not aware of that. Every crime is reported as it occurs.

9201. That is exactly what I am asking you. If you hear of a crime being committed, if it is in your district, of course you have to investigate it?—Yes, and report the matter to my superiors.

9202. In writing?—Yes.

9203. And from these returns or reports, what are called the criminal statistics or returns relating to crimes are compiled?—I believe so.

9204. I wish to ask you, in reference to a question more or less frequently put to witnesses, as to the existence of threatening notices and complaints of paying rent, and so on. When do you say the Land League was established first in Galway?—It was long before I went to Galway.

9205. We know that the first meeting at which it was started in any part of the country was October 1879. At least we have heard that date more than once.

(*The Attorney-General.*) An earlier date than 1879 was mentioned.

(*Sir C. Russell.*) October 1879 was the meeting, I think, at Irishtown.

(*The Attorney-General.*) You are wrong.

(*Sir C. Russell.*) Quite right; there was a meeting at Irishtown in April or May, but it was actually started in October.

9206. Where were you in 1879?—I was in Mayo.

9207. Then you would be able to tell me, because it started in Mayo?—Yes.

9208. You recollect that?—I do.

9209. Was there any branch of the Land League in existence in Mayo or in any part of the country that you know of before October of 1879?—No, not that I am aware of. Before the Irishtown meeting I never heard of it.

9210. That was the first meeting at which the thing was discussed?—Yes, the National League.

9211. I am giving you the date October 1879 for a special reason. Now, I must ask you, do you not know that the offence of sending threatening notices, threatening that any tenant who paid his rent without getting a reduction would be made an example of, is an offence which has been committed in Ireland for years before 1879?—Well, I cannot say I ever heard of it before 1879.

9212. I have got, now, a return before me which I will ask about?—It never came under my present knowledge before 1879.

9213. I will just see whether it did or did not.

14 Nov. 1888.

RICHARD CREIGH.

[Continued.]

(*The Attorney-General.*) Of course Sir Charles Russell is right in asking this witness his own experience, but, having said he never heard of it before 1879, I submit he is not justified in putting, at present, a statement made in a return.

(*The President.*) I assume he is going to test it.

(*Sir C. Russell.*) That is what I am going to do.

(*The President.*) Of course, for the present, I should not take what Sir Charles Russell is reading from as evidence.

(*Sir C. Russell.*) No, except that this is an official document.

(*The President.*) While the witness says he knows nothing about it I should not take it.

(*Sir C. Russell.*) No, but the document I am reading is an official Parliamentary return.

9214. Galway is divided into two ridings, east and west?—Yes.

9215. The one in which you were discharging your duty was the west riding?—Yes.

9216. Have you ever seen this return I have in my hand?

(*The Attorney-General.*) What date, please?

(*Sir C. Russell.*) This is the one ordered by the House of Commons to be printed, 15th March 1880.

(*Witness.*) Is it a return of crime?

9217. It is a return of crime.—No; I have never seen that. I have no recollection of ever having seen that.

9218. Look at it and see. You will tell me, I am sure, candidly whether you have seen it or not?—No; I have never seen that before, to my knowledge.

9219. Just look at that west riding of Galway; you have never seen that?—No, I never saw it before.

9220. At present I can only put it to you in this way. Have you not heard of intimidation by threatening notice to tenants who paid rent without getting a reduction?—Since what date?

9221. Before October 1879. That is sufficient for my present purpose?—I have no recollection of having ever heard of that.

9222. Would you like to say you have not?—I will not say; but I have no recollection of it.

9223. I will ask you again. Have you heard or not of injuries to cattle and crops committed against persons who had taken evicted farms and also before October 1879?—I have no recollection of it.

9224. Have you heard of such?—I say I have no recollection of having heard of such before 1879.

9225. Are you sure that you yourself have not made returns of such?—Quite sure.

9226. You have not made returns of such?—Quite sure.

9227. I must just ask you, as you say that. This does not tell the precise locality, I am afraid. You were in Mayo in 1879?—Yes.

9228. I will just turn to Mayo.

(*The Attorney-General.*) What is the page?

9229. (*Sir C. Russell.*) Pages 60 and 61. The east riding is at 58 and 59. I will see whether there is anything about Mayo. I must again ask you did you know a Miss Knox, was she a landlady in your district?—I know I have heard of the name. I think she lives in Ballinrobe district.

9230. Is that far from your district?—It is 15 miles. The district of Castlebar I lived in.

9231. Did you not hear of threatening notices in May of 1879 against any person who would take any of Miss Knox's farms?—No, I have no recollection of it.

9232. What is your recollection which Miss Knox's name revived?—I have no particular recollection about Miss Knox and the land, but I merely recollect the name when you mentioned it, that there are Knoxes in Mayo.

9233. Is it not in your knowledge or in your recollection as being the name of a landlady whose tenants had been threatened, or holders of whose land had been threatened?—No, I merely recall the name as being a Mayo name. There are a lot of ladies and gentlemen of that name in Mayo, but I never heard of a dispute about land there between any of the Knoxes and the tenants. I have no recollection of it.

9234. Where were you stationed in Mayo?—Castlebar.

14 Nov. 1888.

RICHARD CREIGH.

[Continued.]

9235. Will you tell me the name of the landlords about Castlebar?—Lord Lucan was the principal landlord.

9236. Anyone else?—There was a Mr. Kenny, I think, who has land close to the town, and Sir Roger Palmer is another landlord about Castlebar. There are some others that I forget.

(*Sir C. Russell.*) I ought to say I do not find their names, so they might not have come to your attention.

9237. (*The Attorney-General.*) As I understand with regard to your own personal experience you do not remember at any rate any number of cases of this kind before the end of 1879 or the beginning of 1880?—No.

9238. (*The Attorney-General.*) Now I notice this on the page that Sir Charles Russell referred to. Of course I am only too glad these official returns should be before your Lordship. I know the document my friend is referring to.

(*Sir C. Russell.*) I thought my friend was objecting.

(*The Attorney-General.*) No. My reason for objecting when you previously referred to an official return was I did not think it was entitled to have——

(*The President.*) Again I was just expressing to my colleagues my hope that they were going to be before us.

(*The Attorney-General.*) Not only that, but I should ask your Lordships in connexion with this particular question we are upon, to let us examine and put before you, or that your Lordships yourselves should examine the reports of both preceding and succeeding years.

(*Sir C. Russell.*) We shall have no objection to that. My friend having now intimated that I should like your Lordships to appreciate what I was saying. I am taking your statement, Sergeant Creigh.

(*The President.*) You are rather calling our attention to it.

(*Sir C. Russell.*) Yes, and to see whether it does not revive something in this gentleman's recollection. I am taking Galway first. The very first item I see in the east riding is a threatening letter to a Mr. Madden under the date of 13th March 1879. This return is headed thus "Return of all agrarian outrages which have been reported by the Royal Irish Constabulary from 1st of January 1879 to 1st January 1880." "Madden, threatening letter, threatening him with the fate of Lord Leitrim if he would not be indulgent to the tenantry." "Crehan. The accused persons went within eight yards of the injured persons' house and threatened to take their lives. Naughton's wife held a small farm from Crehan, which she was endeavouring to get from the head landlord instead of paying rent to Crehan." I will only select some of them as illustrations. "Carter" (this is 25th of March), "Notices threatening Carter with death if he served notices for the non-payment of rent on the Bagot property." "26th of March, visited by 20 or 30 persons demanding civil bill processes which Carter had received for service on tenants." There are several cases of that kind. "Glancy received threatening letter telling him that he would meet his doom if he interfered with Mr. Gairdner or his agency."

(*The Attorney-General.*) What date?

(*Sir C. Russell.*) 5th of July. "5th of July," the same date, "Oliver Dolphin. Received a letter warning him not to pay any rent until he got an abatement, and that if he did he would suffer." "21st of October, notice Clanricarde estate threatening with death anyone who paid his rent." Then there are several notices of that kind. That is the east riding. In the west riding there are a great many more. "29th of January, Martin Cummins. Intimidation by threatening letters. Threatening Mr. Cummins in consequence of evictions." "Sheep killed on Darcy's farm (1st of February 1879), consequent on disputes about land." "6th of February, house set on fire, supposed in consequence of having served a tenant with notice to quit." "9th of February, wall thrown down in consequence of O'Brien having taken land." "8th of April, notice threatening any person who would take an unoccupied farm of land belonging to Captain Bodkin." Then a very ugly case. "12th of April. Water for cattle to drink poisoned, owner having taken land from which a tenant was evicted." "Patrick Mannion," that is the man we have had here, "eight sheep maliciously killed. Mannion got possession of a field which another man was obliged to give up, not being able to stock it." Then nocturnal visits. "24th of June. Notice posted threatening the tenants who would pay rent without getting a reduction of 25 per cent." "7th of July. Notice threatening that any

14 Nov. 1888.

RICHARD CREIGH.

[Continued.]

"tenant who pays rent without getting a reduction would be made an example of."
 "8th of July. Notice warning tenants not to pay rent without getting a reduction."
 "13th of July. Notice threatening to put a bullet through the head of any tenant
 "who would pay rent without reduction." "14th. Notice threatening as in last
 "case." "20th. Notice threatening any person who takes land from which tenants
 "have been evicted," and then there are a great number of those. The same in
 August. The same in September. There are a great many more which I will not
 trouble your Lordship with now. Your Lordship will understand this begins from
 the beginning of 1879. We have the return also for 1878.

(The President.) You will let us have copies of these?

(The Attorney-General.) Of course they can be supplied easily.

(The President.) Of course the secretary can get it.

(Mr. Lockwood.) May I ask a question of this witness as to a matter which does not
 arise on this matter which Sir Charles Russell has just adverted to?

(The Attorney-General.) You did not cross-examine.

(Mr. Lockwood.) No, I let my time go by. I ask permission now to put a question.

(The President.) Yes.

Cross-examined by Mr. LOCKWOOD.

9239. How far were you stationed from Irishtown?—I should say about 25 miles, I
 think, at a rough calculation.

9240. 25?—Between 20 and 25, I should say.

9241. Were you in that neighbourhood in the year 1879, within 25 miles of Irish-
 town?—Yes, about that.

9242. You knew that district in 1879?—The Castlebar district, yes.

9243. But you knew the Irishtown district, too?—No, I had never been in Irishtown
 but once.

9244. Do you mean to say you did not know what police regulations were in force
 in Irishtown in 1879?—Yes, the regulations are the same all along.

9245. Were there police huts erected in the neighbourhood of Irishtown as early as
 July 1879?—I cannot say that. I am not quite sure.

9246. You do not know?—No.

9247. It is no good pursuing that with you if you do not. You say you are not
 acquainted with the neighbourhood?—No, I have only been there once in my life.

Cross-examined by Mr. DAVITT.

9248. In your experience as a policeman in Mayo and Galway, have you had much
 to do with crimes like burglary?—Very little.

9249. Picking pockets?—The same answer applies to that.

9250. Wife beating?—I have never seen a case of that, I think.

9251. Very little of crime of that kind. You have had very little to do with crime
 of that kind?—Yes.

9252. Most of the crime and offences committed in these counties were with
 reference to land, arising out of land disputes?—Yes, a good proportion of the offences
 arise out of that. Of course there are a lot of ordinary offences, common assaults, and
 such cases as that.

9253. Trivial things?—Yes, rows at fairs.

9254. All the serious offences arise out of disputes about land?—Well, almost; yes,
 almost.

Re-examined by the ATTORNEY-GENERAL.

9255. How long have you been in the service altogether?—About 14 years.

9256. Do you remember the actual dates in 1879 when the speeches began, either in
 Mayo or elsewhere?—No, I do not.

14 Nov. 1888.

RICHARD CREIGH.

[Continued.]

9257. How early speeches were made either by Mr. Davitt or anybody afterwards connected with the Land League in 1879, you do not know yourself?—No, except making a very rough calculation; of course I could—

9258. Say at once if it is only to the best of your recollection. Then state it. How early in 1879 do you remember any speeches?—Well, I do not think I could pin myself even to a year, because I took very little interest in it at that time.

9259. Do you know whether in your district the speeches that were made were reported in the newspapers?—Yes, they were reported in the local papers.

9260. Listen carefully to my question. When did you first hear, as far as you can recollect, the expression “land-grabber”?—I should think about seven years ago, making a rough guess.

9261. Whether you had ever heard it before or not I want to ask you one distinct question. During the first five or six years that you were in the police service was that word constantly used at any time?—The word landgrabber?

9262. Yes?—No, I do not think I ever heard the word used until after 1880; 1879 or 1880.

9263. There had been during the earlier years, as I understand, some agrarian disputes to your knowledge as a police constable?—The district I lived in at the time, during 1879 and 1880, was a very quiet district.

9264. What district was that?—Castlebar. There was scarcely any crime at all of any kind.

9265. Then, speaking of that district, in the earlier years of your service there had been very little agrarian crime?—Almost none at all.

9266. (*Sir C. Russell.*) He said almost no crime of any kind?—I said very little.

9267. (*The Attorney-General.*) I want to put my question with reference to agrarian crime. Of course I will work this out in connexion with actual statistics; but had there been any agrarian crime up to that time?—I think not.

(*The Attorney-General.*) I will not, of course, refer to the entries now, because we are going to refer to them as a whole, and, therefore, it will be better to postpone that.

(*The Attorney-General.*) I am obliged to go back to the case of Hughes. It is at page 676 of the notes. Hughes was the postmaster at Ardrahan who was severely boycotted. Objection was taken as to his not having seen the notices and therefore we had to postpone it. I will call Sergeant Charlton.

Sergeant CHARLTON sworn, examined by the ATTORNEY-GENERAL.

9268. Where were you stationed in 1885 and 1886?—In Ardrahan, County Galway.

9269. I think we were told that is about six miles from Cork in answer to a question by Sir Charles Russell?—Yes.

9270. You remember the case of the boycotting of Hughes?—Yes.

9271. Did you take down these three notices from the walls (*handing the same to witness*)?—Yes.

9272. Are the dates put on them when you took them down?—Yes, except this one.

9273. Just hand me the two to which the dates are put. Then I will ask you about the other before I read them?—These two (*handing them to the Attorney-General.*)

9274. These you took down. The first one is dated 16th November 1884. The next one, 16th January 1886. That is in reference to these two. Then the printed one?—That was in October.

9275. Which year?—Of 1886.

(*The Attorney-General.*) I will take them in their order. I will first take the one of the 16th November 1884. (*The document was read as follows*):—

“Men of Ardrahan. Will you allow that hypocrite, that two-faced scoundrel Hughes to land-grab in your midst? Will the teaching of the past be set at defiance by that evil wretch who tries to trample on the poor and homeless? Boycott Hughes if he persists in his evil work. Let him accept this as final.”
(No. 2.) 16th January 1886. “John Hughes. Is it for the sake of a beggarly profit; is it for the sake of being on friendly terms with that arch

14 Nov. 1888.

SERGEANT CHARLTON.

[Continued.]

“ demon Robinson ; or is it your way of showing sympathy for accursed land-
 “ lordism, you supply that vile worm, that outcast of society, Robinson’s emergency
 “ man, with all the necessaries to support his wretched life. Remember, your
 “ position is rather shakey with regard to popular favour. A very small thing
 “ will turn the tide of public opinion against you ; then let us see will emergency
 “ men, protection bobbies, Robinson & Co., patronise you as you have patronised
 “ them. Accept this as a friendly but at the same time as a final warning. Hold
 “ no communication with these last props of landlordism, or there will be recourse
 “ to stronger measures.”

No. 3. (*The printed notice of October 1886.*) “ Brother Nationalists of South
 “ Galway. In the terrible struggle against landlord tyranny, and all its miserable,
 “ damnable agents, minions, backers, we the oppressed people have one and only
 “ one remedy, and that is boycotting. It is a very powerful remedy, approved of
 “ by the great leader of the Irish people, C. S. Parnell, and by the pure-souled
 “ Michael Davitt. Use it, Irishmen, against Hughes of Ardrahan, who brought
 “ the emergency hut to Roeveagh, who sent his cars to brave Woodford to help
 “ Blind Lewis and Blackguard Clanrickarde in the eviction of your fellow-
 “ countrymen. Don’t buy from Hughes ; don’t sell to him ; shun the dodger ;
 “ if not for love of country or of your suffering fellow men, for fear of your
 “ safety.

“ By order.

“ God save Ireland.”

Cross-examined by Sir C. RUSSELL.

9276. I do not know whether you attend the chapel at Ardrahan or not?—No, I do not attend the Roman Catholic chapel.

9277. You are not a member of that community?—No.

9278. You will not know except by report—some of your men do, I presume, attend the chapel?—Yes.

9279. Have they reported to you that Father Considine in his church has again and again denounced outrages?—No ; they have never told me any such thing.

9280. They never made that report to you?—Never. I even asked him to do so, and he certainly would not do it for me.

9281. Father Considine is the name I gave you?—Yes.

9282. When did you ask him?—At the time that Mr. Hughes and a man named Kelly were boycotted.

9283. “When” was my question?—It was in August and September 1886.

9284. Did you say August and September, or August or September?—From September to December they were boycotted.

9285. I am asking you when you say you made the request to Father Considine?—It was in October 1886 I made the request.

9286. Where?—At his own house, at his own door.

9287. You went there on purpose?—Yes, I did.

9288. Was there anyone there but you?—Yes, there was another constable with me.

9289. What was his name?—I believe it was Constable Boyd.

9290. Well, tell us what took place?—I asked him to prevent them from boycotting Mr. Hughes and Kelly, as I did not consider they had done anything that was very wrong in the country, and he said he would not interfere with it.

9291. That is the boycotting you are speaking of?—Yes, the boycotting.

9292. I was asking you whether it had been reported to you—not the boycotting—but do you recollect a case of the burning of a dwelling-house, or the attempt to burn a dwelling-house?—Yes. I remember two or three dwelling-houses that were burned about the place.

9293. Do you recollect hearing of his denouncing that?—No, I never did.

9294. Did you ask him to denounce that?—I did not ; when once he refused me I did not trouble him again.

9295. You tell us this was in October?—October 1886.

9296. That was a case of boycotting?—Yes.

14 Nov. 1888.

SERGEANT CHARLTON.

[Continued.]

9297. You never mentioned to him any case of other outrages than boycotting?—No.

Cross-examined by Mr. MICHAEL DAVITT.

9298. How long have you been stationed in Galway?—I have been stationed in Galway over 14 years.

9299. Have you ever heard among your comrades that bogus threatening notices are occasionally put up?—No, I have not heard of it. All that I ever saw I thought were very genuine.

9300. You never heard of bogus notices being put up?—I did not, indeed.

9301. Did you ever hear in Galway of local correspondents of English paper agencies writing out notices like these, and posting them up, in order to send news to England?—No, not where I was stationed.

9302. Did you hear it anywhere near Galway?—No.

9303. Not amongst your comrades?—No.

9304. You have no knowledge of bogus notices being put up anywhere in your locality?—No.

Re-examined by the ATTORNEY-GENERAL.

9305. What were Hughes and Kelly suffering from; will you describe it, whatever it was, when you went to Father Considine?—They were both shopkeepers, and nobody would go into their shops or deal with them, except very few. There were a few that held out to the last, I may say.

9306. But a very large number would not?—No, a very very few went into their shops.

9307. Are they people in a large or small way of business?—Hughes was in a large way of business, and the other man was not in so large a business.

9308. How long had this boycotting gone on?—It went on from the 5th of September to about the middle of December.

9309. And in October you went to Father Considine and asked him to interfere?—I did. I said that I did not see what these men did that they should be treated in such a manner.

JAMES FORD sworn and examined by Mr. MURPHY.

9310. Were you formerly in the army?—Yes.

9311. And are you a native of Cregg Park, Tubbery, in the county of Galway?—Yes.

9312. When you left the army did you go to work for the late Mr. Latty?—Yes, I was employed by him.

9313. At that time did Mr. Latty have a considerable quantity of land in his own hands?—Yes, he had the demesne. He kept the inner demesne in his own hands.

9314. And how did he deal with this; did he let the meadow out, or how?—He let it as first to one man from year to year on foot by the acre, and after that he took it over in his own hands.

9315. And used to let the grass, I suppose?—He used the meadow and then sold it on foot by the acre, and then sold the after grass after the hay was removed.

9316. After this had been going on some little time was he boycotted?—Yes, he was. I think the first year he took it over in his own hands he was boycotted.

9317. Were notices put up?—Yes, there were some notices put up.

9318. Did you yourself take some of the grass from him?—Yes, I did. One year I took an acre of it, or about an acre.

9319. What year are you speaking of?—It was (*referring to a paper*).

9320. What is the paper you are looking at?—It is a memorandum of the day. I cannot keep everything in my memory.

9321. In what year was it, then?—In August 1881.

14 Nov. 1888.

JAMES FORD.

[Continued.]

9322. Before going on to any other matter I want to ask you when you came back from the army what terms was Mr. Latty on with his tenants?—He was on very good terms with them, and always had been, so far as I could see, a very good kind landlord to them.

9323. You say you took some of the grass from him, when you went to cut the grass what precaution had you to take with you?—I had to take my gun with me.

9324. When you went to cut the grass?—Yes.

9325. Do you remember Mrs. Latty dying?—Yes, I remember she dying.

9326. On the day of the funeral, do you remember seeing a boycotting notice put up?—Yes.

9327. Where was that?—I remember being told a boycotting notice was put up on the post of the entrance gate.

9328. What did you do?—I went down to see the notice, and when I went down it was removed over to another post on the opposite side of the road.

9329. Did you see the notice there?—Yes, I took it down myself.

9330. Have you got that notice?—I gave it to Constable Welch the same day.

9331. Do you know whether it is still in existence or not?—I cannot say.

9332. At all events you took it down. On the night of the 7th November was some outrage committed at Mr. Latty's house?—Yes, the house was fired into.

9333. Did you live in the house at that time, or close to it?—No, I lived in the demesne less than a quarter of a mile from the house.

9334. Did you hear the shots?—No, I did not hear the shots.

(*Mr. Lockwood.*) I suppose this was in 1881?

9335. (*Mr. Murphy.*) I understand this is 1881?—Yes.

9336. (*The President.*) The 7th of November 1881?—Yes, my Lord.

9337. (*Mr. Murphy.*) Did you see the house afterwards and see the marks of the bullets?—I did, the following morning.

9338. Where were the marks of the bullets?—Three of them over the servants' bedroom window, and one bullet was taken out by the constable within six inches of the edge of the drawing-room window.

9339. Did you ever join the Land League?—No.

9340. Were you asked to do it?—Yes; I was asked once to join it.

9341. By whom?—By the curate of the parish.

9342. What was his name?—Doherty, I think, if I remember rightly.

9343. When were you asked to join it?—Some three or four years ago—I cannot remember the year exactly—1881 or 1882. I could not say positively whether it was 1881 or 1882.

9344. On the night of the 29th of May 1882 were you in bed?—Yes, I was.

9345. Did you hear a knock at the door?—Yes, I did.

9346. The knock was repeated, and you got no reply. Did you open the door or what did you do?—I opened the door. When the person knocked a third time he answered me as a friend. I opened the door. The first thing there was a rifle thrust into my face. I thought at first it was a joke by some neighbours, but when I got to look out secondly, I see he was masked down to the edge of his mouth. I pushed the door from me, and the rifle got caught in the latch of the door; and he said "Open the door," using a very vulgar expression. I drew the rifle from the latch with a jerk. He presented it secondly at my face. With that I rose my right hand, seized the rifle by the top band; as soon as I had the rifle by the top band I knew it was a rifle, being accustomed to them. I lowered it, and as I lowered it, he pulled the trigger, and the bullet grazed my abdomen, and blew my shirt from me.

9347. The shirt went on fire?—Yes, it was.

9348. Did you then get your gun?—I went into the room, got my gun down, my wife got out of bed, and put out the shirt. My gun was hanging over the room door. I took it down unlocked the door secondly, and the door made a creaking noise.

9349. We do not want to go into the detail; did you follow the man and fire at him?—I had to come to the door with the gun, and open the door. The man heard the door moving. He passed out into the road with his rifle at the trail. I then looked down the gun, and shot him between the two shoulders; gave him the contents of the gun.

9350. I believe his wounds were afterwards examined, and the shots were found which you were in the habit of using?—Yes.

14 Nov. 1888.

JAMES FORD.

[Continued.]

9351. He was tried and convicted of the offence?—Yes.

9352. Doherty, I think, was his name?—Tubberty.

9353. What, if anything, had you done to bring upon yourself this outrage?—I do not know anything particular, only I did my master's duty honestly and faithfully. I could not say that there was anything else.

9354. Had you ever heard of attacks upon people in your position for doing their master's work?—Yes; it was obnoxious for anyone to have anything to do with the landlords.

9355. At what time?—At that time.

9356. Had you ever heard land-grabber spoken of before 1879 and 1880?—Not to my knowledge. I have not.

(*Sir C. Russell.*) I do not ask you anything.

RICHARD DONOHUE SWORN, examined by Mr. RONAN.

9357. Donohue, speak up like a man?—I will, sir.

9358. In the year 1886 were you herding for Mr. Lewis, of Ballygowan?—I was.

9359. How did the people behave to you?—They groaned at me and shouted at me, and bawled at me when I used to go and reckon the stock, and when I went, I used to go in fear I should not go home with my life.

9360. Did they come outside your house at night?—They did.

9361. What did they do then?—They used to bawl and shout.

9362. Was anything done to the fences of the farm, where you were herding?—They were tumbled every night. I had to renew them every morning.

9363. Do you remember coming home from the fair at Portumna?—I do.

9364. Was there anything done to you then, coming home from the fair?—I was knocked down against the ground by two people, and when I got up, I did not know whether it was day or night.

9365. Did they beat you?—They knocked me against the road.

9366. How many people were there?—Two, I think.

9367. Do you remember, in February 1887, a man named Michael Aberton coming to you?—I do.

9368. Was Aberton one of the committee of the League?—He was, sir.

(*Sir C. Russell.*) Really, you might ask what he was.

(*Mr. Ronan.*) Well, he was a farmer first.

9369. What did he say to you?—He told me there would be a meeting at Abbey on the 6th of February, and Michael Aberton was on my side.

9370. What did he say to you?—He told me that my name would be called out at a meeting, to resign Mr. Lewis's situation, and he advised me to go to the meeting and tell my case at the meeting, that it was an evicted farm, that they should not mind me and my way of living.

9371. Did he say anything more?—Mr. Aberton said no more to me. I am on my oath.

9372. Did he say what would happen to you if you did not go?—He did not, sir.

9373. Did you go to the meeting?—I went to the meeting.

9374. About how many people were there?—Well, I could not say how many people, but there were crowds of people from every direction in it.

9375. Was there a band there?—There was.

9376. Was there a platform?—I could not know whether a platform was in it or not, the meeting was not till night, when it got dark.

9377. Did you go up to the platform?—No, I was afraid to go. I stood outside in the crowd for fear I would be knocked down.

9378. Was your name called?—Yes.

9379. What did you do when your name was called?—I answered my name.

9380. Did you go anywhere?—No, I stood outside the crowd, and I heard the voice call my name, would I resign; I made answer as loud as I could that I would not resign, that I had no way to support me but that. After that I got fumbled a few times over, and I drew near to where Sergeant Murphy was to see that I got an opportunity to steal away. I kept Sergeant Murphy in view till I got an opportunity to steal away, and to get home to my dwelling that night.

14 Nov. 1888.

RICHARD DONOHUE.

[Continued.]

9381. Was there a man named John Kelly at the meeting?—I heard there was, but I did not see him.

9382. Did you hear John Kelly say anything?—I did not hear John Kelly say anything, but I heard a voice say.

9383. What did the voice say?—I could not know who was inside the crowd.

9384. What did the voice say?—The voice spoke out it would be a slack village which would leave me in the place.

9385. Was John Rouche there?—I heard he was, I would not hear who was at the meeting, it was dark.

9386. Upon your oath, was John Rouche there, did you see him?—I am on my oath, and I never saw John Rouche in it, but I heard he was in it, and I heard he spoke.

9387. Did you hear his voice?—I heard the voice.

9388. What did the voice say?—The voice said we were miserable creatures, and that we should be left so.

9389. Whose voice was that?—I could not know whose voice that was, I am on my oath, sir.

9390. When you got home that night, what did you do to your house?—I secured it as well as I could that night, because I suspected they might come to the house when I did not resign, and I secured myself for that night as well as I could, and I went over the next morning, and I gave up my place to Mr. Lewis through fear.

9391. After that did you meet a strange woman in the village?—I did, sir.

9392. What did she say to you?

(*Mr. R. T. Reid.*) I really must object to this.

(*The Attorney-General.*) You think the line must be drawn as to what the strange woman said?

(*Mr. R. T. Reid.*) Yes.

9393. (*Mr. Ronan.*) Did she say something to you?—She did.

9394. In consequence of that did you go to the place?—I did.

9395. What did you get at the place?—I got a note with 1l.

9396. Did you go back again into Mr. Lewis's employment?—I did. I resigned on the 7th of February. I kept it from memory by word of mouth.

9397. When you went back to the employment were you boycotted again?—I was. I tell you how I was boycotted, sir. We went to the merchant where we were dealing, where we used to get provisions, and they told us that it was known in the street, and the messenger came home to me, and I said to the messenger, "I suppose they are going to get us boycotted," and I went back to Mr. Lewis's, of Ballygowan, and got provisions at that present time.

Cross-examined by Sir C. RUSSELL.

9398. What was the name of the man you said was taking your part and was your friend?—Michael Aberton.

9399. Was it he who you said was a member of the League?—I do not know whether he was in the League or not, sir. I am on my oath. He only told me he was—

9400. You do not know whether he was or not?—I could not say whether he was a member of the League or not.

9401. Did he tell you whether he was or not?—He did not, sir.

(*Sir C. Russell.*) My friend made him say he was.

(*The President.*) He said, in answer to a question, that he was.

(*Sir C. Russell.*) I understood that Mr. Ronan put the expression, and the man adopted it, whether he was or not, I do not know.

9402. You say that he took your part?—He did, for all he said in my presence, he was on my side of it.

9403. I want to know more about this gentlemen. Had you any land from Mr. Lewis, or were you merely a herd?—I do not understand that.

9404. Had you any land, or did you merely herd for Mr. Lewis. Did you hold any any land?—No, it is a wholesale farm which I am herd of, and by living with my brother who had a little place of his own.

14 Nov. 1888.

RICHARD DONOHUE.

[Continued.]

9405. Is Mr. Lewis's property close to the Clanricarde property?—It is another part of it, far away from it, sir.

9406. Had there been a number of evictions by Mr. Lewis?—A good deal of evictions by Mr. Lewis.

9407. How many had there been up to this time when Michael Aberton came to you talking to you in this friendly way?—I do not understand your honour, sir.

9408. How many evictions had there been on Mr. Lewis's property?—I could not say that. I did not count them.

9409. A good many. Had there been a good many?—I tell you all the evictions that is in our place. There was Thomas Flinn, John Kelly, Pat Flinn, John Tully, and John Monahan. That is all I know in our district.

9410. Five. I am told there were nine. Perhaps the other four were let back?—They might be. I do not know other portions of Mr. Lewis's property. I do not know them.

9411. When your name was called out in the crowd, you said you would not resign?—I did.

9412. I just want to know about that. Did the crowd hustle you then?—Yes.

9413. Was that what they did to you?—They tumbled me over and over. I got no blows, but I was knocked.

9414. You mean they hustled against you, and you fell in that way?—I fell.

Cross-examined by Mr. R. T. REID.

9415. At this meeting do you know anyone who was present?—They were all strangers to me, sir; it was a dark night, and I beg your pardon, I have not sharp sight in the day, let alone by night.

9416. I do not want to encourage you to say more than answer the questions. A number of names have been put to you as to whether these people spoke, and their voices were heard. Do you know the names of any of the people who spoke on that occasion at all?—Oh, no, sir.

9417. Do you?—I do not understand that talk, sir.

9418. Do you know the names of any of the people who spoke at that meeting?—I did not, but I heard the voice who addressed the meeting, I could not prove that, and I am on my oath.

Cross-examined by Mr. MICHAEL DAVITT.

9419. How long have you been a herd?—I am a herd for the last 25 years—what I can say of it.

9420. For Mr. Lewis all the time?—No, only five years and nine months herding for Mr. Lewis, and the same farm. I was herding 20 years before it fell into Mr. Lewis's hands.

9421. Who were you herd for?—Mr. Darwey, an honest decent man.

9422. Do you know many herds in that part?—No, begorra, I do not.

9423. Have you ever belonged to any society amongst the herds?—No, I did not know anything about it.

9424. Do you know of any Herds' League, or of any association amongst the herds of Galway?—Not in our district.

9425. Do you know of such an association elsewhere in Galway—a Herds' Association or Society?—I did not hear of any, sir.

9426. Are you sure?—I am sure. I am on my oath, sir. I never heard anything about an association among the herds in our place, or in any other district.

9427. What age are you. How old are you?—I am about 50 years old.

9428. You remember the great famine of 1847?—Well, your honour, I think of that.

9429. Do you remember a secret organisation at that time called the Steel Boys?—I do not think there was ever any Steel Boys.

9430. Did you ever hear your father talking about secret societies amongst labourers and herds?—I did not. My father was a simple sort of man, sir.

14 Nov. 1888.]

RICHARD DONOHUE.

[Continued.]

9431. I am sure you have taken after him in that respect. How much have you been earning as a herd lately; how much wages?—Well, I will tell you my wages. It was an outside farm, and I was living with my brother, and I was working the day's labour with Mr. Lewis, herding. I used to look at the stock morning and evening, and I had a few nephews in the house belonging to my brother, and they used to look after the stock till I came back. I had 4*l.* a year from Mr. Lewis and the grass for the heifer.

9432. Who asked you to come over here?—Mr. Lewis.

9433. Did Mr. Lewis give you the money to come over here?—He did.

9434. How much?—5*l.*

9435. Did he buy that coat for you?—He did, sir.

9436. Did he buy anything else for you?—He did.

9437. What?—The coat and trowsers and all he bought for me.

9438. Did he promise you anything else when you would return?—He did not promise me anything, sir.

9439. Did anybody else promise you anything?—No, not a bit; but I was told before I left him if I did not come willingly that I should come in spite of me, and then I came willingly, sir. That is all I know about it.

Re-examined by the ATTORNEY-GENERAL.

9440. You say you got 4*l.* year for herding, night and morning?—Yes.

9441. And your family looked after that in the middle of the day?—Yes.

9442. Then you went away and were paid wages; you would earn daily wages as well?—I was, sir, earning my daily wages.

9443. What daily wages did you get?—1*s.* a day.

9444. And you said also you had the loan of the grass for the heifer?—Yes, and if I paid 5*l.* for the heifer putting in, if she was anything like a good thriving beast she would double the money at the end of the 12 months.

9445. You remember going to this meeting?—Which meeting?

9446. The meeting where they called upon you to resign?—I do well.

9447. When you heard the people speak in the dark did you seem to recognise the voices or not at that time; did you know the voice of the person who spoke?—Oh, no, sir, I did not know the voice; they were all strange to me, because the terror was in my heart, and I did not know any voice, nor nothing, you see.

9448. I understood you to say you had herded on the same farm for 20 years before Mr. Lewis came?—I was, sir, and I can say to 20 years.

9449. Did you herd on the same farm for the whole 25 years?—I did, sir.

9450. What was the name of the previous landlord?

(*Sir C. Russell.*) I think he said it was Darcy, and that he was an honest, decent man.

9451. (*The Attorney-General.*) Darwey. Did Mr. Lewis buy or take the farm after Mr. Darwey?—Yes. Mr. Darwey was a man who had a good property of his own, farms belonging to Sir Henry Burke, and good buildings, and the farm was a good way from Mr. Darwey's, and I often heard him say when he came to look at the stock it was too far away, and he should give it up.

9452. And when he gave it up who took it?—Mr. Lewis took the property.

9453. And you continued herding in the same way?—Yes, because of my being of a good character. Mr. Lewis did not go to look for another herd, but kept the herd that was on the land.

PATRICK MURPHY sworn, examined by Mr. RONAN.

9454. Were you at this meeting in February 1887?—Yes.

9455. Where this last witness was?—Yes.

9456. Can you tell me anyone who was at this meeting?—John Roche, Father Fahy—

9457. Is that John Roche, of Woodford?—Yes.

9458. Who else?—Lawrence Egan and John Dervan.

9459. Was there a man of the name of John Kelly there?—Yes, John Kelly.

9460. Anyone else you remember?—Thomas Phinn and Michael Larkin.

14 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

9461. Do you know what position John Roche filled in the National League?—No, I cannot say, except I see him act.

9462. What did you see him act as?—He made a speech at that meeting.

9463-4. You did not take shorthand notes?—No.

9465. Can you tell me the substance of what he said; anything that he said?—Yes. I have the notes.

9466. Take your notes. It is only a longhand note, I believe. Who was the first speaker at that meeting?—Father Fahy presided at the meeting. Father Fahy, the curate.

9467. Tell us what Father Fahy said?—I have not his speech, no more than about the herds.

9468. What did he say about the herds?—Michael Larkin referred to him first and Father Fahy; Michael Larkin spoke of the herding of the farms in the locality, and asked those who had situations to give them up. The people knew how to treat these people if they did not do so, and if there were any herd present, let them come forward and if not they would smell hell.

9469. Michael Larkin, that is?—Yes; and a voice behind the platform said four herds were present. Larkin asked if any of them were willing to give up. Michael Cowen's wife, Tomony, said they were herding a farm, and she would give it up if they promised her any support. Father Fahy called "Order," and there was a row, and she had to leave. John Moran, Wells Park, and Michael Heally, May Glass, herds of John Glass, came forward, and promised to give up, and they were taken on the platform and cheered.

9470. Give the connexion of this?—John Moran and Michael Heally, Richard Donoghoe, herd for Mr. Lewis, said——

9471. That is the last witness?—Yes. He said he would give up if they would support him; they told him they would not, and he declined to give up.

9472. What occurred then?—A row occurred about the platform, and he was knocked down. Pat Madden, herd of Mr. Lewis's said he was willing to give it up, but he had nine children, and if they would give him any support, he did not want to work for Mr. Lewis. Father Fahy said they would not give him any guarantee, and he was crushed against the platform. I heard it at a distance.

9473. What else was said at the meeting that you have any note of there?—Michael Larkin proposed resolutions at the meeting. He was secretary of the Dunronerty branch of the National League.

9474. What was his name?—Michael Larkin. The first resolution proposed was:—
 "That we place every confidence in Charles Stewart Parnell and the Irish
 " party, and that we will not be content until we have our own Parliament in College
 " Green. Secondly, that we condemn the action of Mrs. Hannah Lewis in issuing
 " ejectment processes and writs on the unfortunate tenants on her estate who were
 " not able to pay their rent owing to the depression in the sale of agricultural produce
 " and stock; and, thirdly, that we condemn any person who assists the landlord in
 " carrying on this dirty work. John Roche said if the tenants on Lewis's estate
 " wished to fight the battle out with Lewis they need not be depending on the men
 " of Woodford if they themselves did not stand in the gap, and if they did so they
 " would be sure to have the support of the men of Woodford, and advised them as
 " men to offer some resistance, and in case evictions took place, that some sacrifice
 " should be made as was the case in Woodford, and all communication with the
 " understrappers or any person doing business with the dark house should be at once
 " stopped."

9475. Was there any other speech?—There is a speech of John Dervin.

9476. Read it?—John Dervin, Tynagh, said, "The Woodford men ought not to
 " speak to people herding grass farms for landlords. He should say that any grass
 " farms that were given up by any person, no matter who the landlord was, that the
 " man herding that farm should give up and let the farm be derelict, and the landlord
 " would then be too lazy or not know how to herd it, and would let it to a tenant."

Cross-examined by Sir C. RUSSELL.

9477. Let me have the book. First of all, when was this meeting held?—On the 7th of February 1887.

14 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

9478. Where was it held?—Convenient to the village of Abbey.

9479. How far from Woodford?—About four miles.

9480. Now, Sergeant, you, I think, ought to know what I am going to ask you. How long had you been stationed at Woodford?—I was never stationed at the town; but stationed at this station.

9481. How long?—From the 7th of July 1884.

9482. Now, sir, do not you know that in consequence of the Woodford branch of the Land League, or of the League or the National League, it is not material to my question, but in consequence of their complaints of the central branch not standing by them that they dissolved as a branch of the League and formed a fresh association?—I do not know.

9483. The Tenants' Defence Association?—There was no Tenants' Defence Association then — Oh! yes, there was.

9484. Now, just take care?—Yes.

9485. Do not you know that in consequence of the National League or of the League, I will call it the League, not supporting the local branch as the local branch thought they should be supported, that they dissolved their connexion and formed a separate association called the Tenants' Defence Association?—There was such an association.

9486. Was that not formed before this meeting of February 1887?—Yes.

9487. How long before?—It was formed on the 16th or the 19th October 1886.

9488. You see you know all about it. Was not John Roche president of that Defence Association?—I cannot say.

9489. Now just think?—I do not know.

9490. Did you understand that he was president of the association?—No.

9491. What did you think he was in the association?—He had nothing to do with the Tenants' Defence Association on Mr. Lewis's estate.

9492. I am not talking of the Defence Association on Lewis's estate at all; I am talking of the Woodford Tenants' Defence Association?—I know nothing about that.

9493. Who was president of the Tenants' Association?—Where?

9494. In your neighbourhood?—There was six appointed.

9495. Six presidents?—No, not presidents.

9496. I am asking who was the president?—I cannot say who was the president.

9497. Who were the six?—John Kelly, Tom Phinn, John Egan, Pat McDonuagh.

9498. Were these names you have given us all members of the committee of that association?—Yes.

9499. They were?—Yes.

9500. Now let me understand, were some of those whose names were called at the meeting herding evicted farms?—No.

9501. Or was it alleged they were herding evicted farms?—No.

9502. Grass farms?—Grass farms.

9503. But not evicted ones?—No.

9504. Farms from which people had been evicted?—That I cannot say.

9505. And which were turned into grass land?—They were grass land.

9506. Now I want you to follow me, please, carefully; did you write this at the time?—No, about half an hour after.

9507. Where?—When I got to barracks.

9508. When you got to barracks?—Yes.

9509. Then you carried in your mind what had taken place?—Yes.

9510. And then when you got to barracks you wrote it down?—Yes.

9511. Now, first of all, let me begin at the beginning. You say Father Fahy was in the chair?—Yes.

9512. He presided?—Yes.

9513. Was he moved into the chair by anybody or did he take it?—I cannot say that now.

9514. Were you there when he took the chair?—Yes.

9515. Did he make a speech?—He did.

9516. Have you got any note of it?—No.

9517. Why not?—I have only short notes of any of the speeches.

9518. You have no note at all of his?—No.

9519. Why not?—Except a reference that is made there.

14 Nov. 1888.]

• PATRICK MURPHY.

[Continued.]

9520. The only reference made here is "Abbey Meeting, 4 p.m., 7th February 1887. "Father Fahey in the chair." Tell us what was written here, where you have written now Father Fahey. It was not Father Fahey at first?—I could not say. I cannot make it out anything else.

9521. Is not it clear there was some other name there at first?—No; if I was going to put another name—

(*The President.*) Let me look at it. (*The book was handed to his Lordship.*)

9522. (*Sir C. Russell.*) I do not know, my Lord, that it is important. I am rather putting it to you that you had forgotten when you took this note who the chairman was?—No; certainly not.

9523. How came you to make that, as a matter of fact, in the beginning?—I do not know.

9524. Who was the next person who spoke? You have not got a note of Father Fahey?—No; Michael Larkins.

9525. He was the first speaker of all?—Yes.

9526. That is a vote of confidence in Mr. Parnell and the parliamentary party. Who moved the second resolution?—I do not know.

9527. Did Larkin?—Larkin read out all the resolutions.

9528. "We condemn the action of Mrs. Hannah Lewis in issuing ejectment processes and writs on the unfortunate tenants on her estate who are not able to pay "their rents," and so on. We condemn any person who assists any landlord to carry on his dirty work. Did Larkin make a speech?—Yes.

9529. Have you any note of that?—Yes.

(*The Attorney-General.*) He read it.

9530. (*Sir C. Russell.*) Did Larkin make a speech when he proposed these resolutions?—I cannot say. He made one afterwards.

9531. Was he the first speaker after Father Fahey?—Yes; he proposed the resolution. John Roche was the second speaker after the resolution.

9532. Did he make a speech when he was proposing the resolution—Michael Larkin?—No.

9533. He did not?—No.

9534. He simply read the resolution?—Yes.

9535. Just before I go on to read this, when these men named were called out the herds, they all expressed their willingness to resign if they were supported?—Yes.

9536. And there was a refusal, I understand you to say, to give them any guarantee?—Yes.

9537. And two of them did give up?—Yes.

9538. What were their names?—John Healy or Michael Healy.

9539. John Moran, was it?—John Moran.

9540. Then Roche said if the tenants on Lewis estate wished to fight the battle out with Lewis, they need not be dependent upon the men of Woodford if they themselves did not stand in the gap, and if they did so, they would be sure to have the support of the men of Woodford, and advised the men to offer some resistance, and in case an eviction should take place he thought there should be some sacrifice made as was the case in the Woodford eviction. All communication with understrappers, or any person doing business with the dark house, should be stopped. What was that?—Mr. Lewis.

9541. Who spoke after Roche?—Lawrence Egan, I believe.

9542. You have got Darwin's notes in order?—They spoke as they are in there.

9543. The Woodford men ought not to speak to men herding grass farms for landlords. He would say any grass farm that was given up by any person, no matter who the landlord was, that the man herding that farm should at once give it up, and let the farm derelict; and the landlord would be then too lazy, or not know how to herd it, and he would let it to a tenant. Did you take any notes at all at the meeting?—No.

9544. How long did the meeting last?—About an hour, or an hour and a half.

9545. "Lawrence Egan said, he knew the faces around him from childhood, he "being a farmer himself, and he knew the land did not produce one per cent. for the "landlord, and he advised them to stand firm together and not yield to that tyrant "over the way, who, if he could, would turn them out," and something "his arms "round the childrens hearts," and so on. This is very short if the meeting lasted an hour and a half. These are merely the plums you have picked out?—Yes, short.

14 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

9546. You picked out the plums?—I took out the sentences. I could remember them.

9547. But you have not any note at all, as far as I can make out, of what Father Fahey said, have you?—No, except the reference he made to the herds.

9548. What you have here is in reference to Michael Coen's wife. "Somebody said they were herding a farm, and she said she would give it up if they would give her any support, and Father Fahey called order, and she had to leave." Then I do not find anything more about Father Fahey?—No.

9549. Father Fahey said they would give no guarantee?—No.

9550. There appears to be no note of the speech at all, apparently?—No.

9551. Now as regards Lewis, I must just ask you. You know the tenants put him in Court, did not you?—I believe so, I heard it.

9552. Do you know what reduction they got?—No, not to my knowledge.

Cross-examined by Mr. HARRINGTON.

9553. One or two questions; are these leaves torn out of that book in the middle of that report?—No.

9554. Are there any leaves torn out there?—Yes, there is a leaf gone, it does not belong to that, though.

9555. It does not belong to the report?—No.

9556. When was it torn out?—It was torn out before the report was written.

9557. Tell me why did you so select a book that in writing out your report you would bring it right to the last page of the book and stop there?—Because there are other meetings.

9558. Did you know how long the report would go when you commenced?—Yes, I had a guess at it.

9559. You had no notes when you wrote that?—No.

9560. None at all?—No.

9561. You did not take a single note at the meeting?—No.

9562. Did you take out a pencil?—No.

9563. Did anybody see you write that?—I do not think so.

9564. Nobody ever saw you write that?—No.

9565. In the barracks or elsewhere?—No, I believe not.

9566. You were examined in Dublin at the trial of *Blunt v. Byrne*?—Yes.

9567. Did you ever produce that note-book there?—Yes.

9568. Was that handed in in evidence?—Yes, it was.

9569. Was that meeting deposed to?—I do not think so.

9570. That meeting was not touched at all?—I am not certain about that.

9571. Now, on your oath, was that report written at that time?—It was.

9572. And in that book?—Yes.

9573. Why did you not use pen and ink in writing a report in the barrack. Is that a customary thing?—No, it is not, in a note-book.

9574. Have you ever given anybody a copy of that report?—I daresay I have.

9575. Did you ever give it to anybody before the trial of *Blunt v. Byrne*?—I sent it forward officially.

9576. Did you ever send a report of that to the authorities?—Yes.

9577. What date?—The day following.

9578. A copy of that?—Yes.

9579. Will you be able to get that for us?—No.

9580. Do you know who has it?—I do not.

9581. What is the date of that?—7th February 1887.

9582. You forwarded an exact copy of that on the next day?—Yes.

Cross-examined by Mr. MICHAEL DAVITT.

9583. How did you learn about this meeting being held; did you read a notice or see a placard?—It was announced, a National Land League meeting at Ballymakill.

9584. There was no public announcement?—I think not.

14 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

9585. Did you read a report of the meeting in the papers the following morning?—No, I never saw a report of it.

9586. Are you in the habit of reading the papers?—Yes.

9587. Which papers?—The “Freeman’s Journal” generally and the “Irish Times.”

9588. You did not read in the “Freeman’s Journal” about this particular meeting?—No, I never saw it in any paper.

9589. Do you know if the meeting was a herds’ meeting?—It was not a herds’ meeting.

9590. There was a great number of herds present?—There were three or four, perhaps more.

9591. Are you sure there were no more?—There might be more.

9592. How long have you been in Galway?—In Galway, since October 1883.

9593. Did you know or did you hear of the existence of a Herds’ League in Galway?—I did; I heard of it.

9594. You did not know it of your own knowledge?—No.

9595. Who did you hear it from?—I read it in the paper, or heard it in several other ways.

9596. You did not hear it officially?—No, not to my knowledge.

9597. Did you hear anything about its ramifications?—No.

9598. Did you hear it existed in Roscommon?—I may have.

9599. Did you hear it?—I cannot say.

9600. Do you think you did?—I cannot say.

9601. Do you think it existed in Roscommon?—I daresay it did.

9602. Who knocked down Donohoe?—I think the crowd did it.

9603. Did you think it was the herds did it?—There were no herds on the platform.

9604. I thought you told me there were some herds at the meeting?—Yes, but not on the platform.

9605. Did you ever hear the Herds’ League was a secret one?—No.

9606. The Herds’ League?—No.

9607. You never did?—No.

9608. Did you hear it was a combination?—As far as I heard about it or read, I think it was something in the nature of the National League.

9609. Did you ever read in any paper that it was associated with the National League?—No, I cannot say I did.

9610. Where did you hear it was associated with the National League?—From my own belief.

9611. On what ground do you form the belief?—From the nature of the meeting.

9612. Were you at any of the meetings?—I never was at a herd meeting at all.

9613. Did you ever hear of a herd meeting at Galway?—I did. I heard of them, I believe. I cannot say of my own knowledge anything about any herd meeting.

9614. You will swear you did not know or did not hear that the herds’ meeting was a secret one?—No, I never heard it before.

Re-examined by the ATTORNEY-GENERAL.

9615. Were you a witness at the Blount trial?—Yes.

9616. Did you give evidence of some speeches; I will speak about this one directly; did you give evidence of some speeches?—Yes.

9617. Did you produce either this note-book or one like it?—Yes.

9618. Were you cross-examined?—Yes.

9619. At considerable length?—Yes.

9620. Who by?—The McDermott, Q.C.

9621. Were you cross-examined by Mr. Harrington?—Yes.

9622. For how long?—Mr. Harrington’s cross-examination was short.

9623. Was anybody called to contradict your account of the meetings that was given?—No.

9624. You made your statement as to what had occurred at the meetings, and no witnesses were called to rebut your statement?—No.

14 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

9625. Just look, if you please, at the piece where you are said to have torn a leaf out. Just read to my Lords the bottom three lines and stop when you get to the bottom of the page, and then read the top two lines on the next page. Read the bottom three lines on the page where this is?—"He advised them as men to offer some resistance, and in case evictions took place."

9626. What are the last words?—"In case evictions took place he thought there should be some sacrifice made."

9627. Where does "he thought" come?—"He thought" comes at the bottom.

9628. Then just read once more. The last line will do?—"Took place, he thought."

9629. What is the top of the next line?—"There should be some sacrifice made."

9630. It is a continuous sentence?—Yes.

9631. Is there any foundation for the imputation that you have written out an account and torn out a leaf, and afterwards made that report?—None whatever.

9632. Turn over, please. Is there another person who speaks on the back of that leaf?—Yes.

9633. (*The Attorney-General.*) Perhaps your Lordship will kindly look at the book. I do not want it any more. Now on another point, it is suggested to you that the Woodford National League had come to an end before this date, the 6th February 1887, which was the date of the Abbey meeting, I think?—Yes.

9634. And that there had been formed at Woodford a Tenants' Defence Association, or something of that kind, and the National League had come to an end. You remember those questions being put to you by Sir Charles Russell?—Yes.

9635. Were you present at the Blount trial?—Yes.

9636. Were National League meetings proved at the Blount trial?

(*Sir C. Russell.*) Then, my Lord, I entirely object to that question, was something proved at a particular trial.

(*The President.*) The question before was perfectly legitimate. "Was any evidence given to rebut?"

(*Sir C. Russell.*) My Lord, we did not object to that, although I think it was a little unusual evidence. But the question now is, Was something proved at the Blount trial? That is in other words asking this witness to form his judgment and to pronounce what was or was not proved.

(*The President.*) If that is the object of it I certainly should not allow it.

(*The Attorney-General.*) Sir Charles Russell interrupted me before my question was complete.

(*Sir C. Russell.*) Not at all, the witness was beginning to answer.

(*The Attorney-General.*) The suggestion made in cross-examination is that the National League at Woodford had ceased to exist, and that a Tenants' Association had been formed, and I desire to prove and to elicit in re-examination that in this witness's hearing evidence was given on oath as to Mr. William O'Brien, one of the gentlemen charged, addressing National League meetings at Woodford as late as October 1887, and no rebutting evidence of any kind called or no suggestion then made that there was any cessation of the National League at Woodford.

(*Sir C. Russell.*) My Lord, to begin with, Mr. O'Brien was no party to that litigation at all, and in the next place my objection is repeated, that it is asking this witness whether or not a certain fact was to his satisfaction and judgment established by evidence given in a court of justice.

(*The President.*) I think on the first point you take, your objection is good.

(*Sir C. Russell.*) Besides I wish to guard against misapprehension. I am not going to suggest at all that National League meetings were not held in Woodford after this date. What I did say and repeat is, that the local branch of the National League ceased to exist.

(*The Attorney-General.*) We shall see.

(*Sir C. Russell.*) That is my statement.

9637. (*The Attorney-General.*) You gave evidence at this Blount trial?—Yes.

9638. Until to-day, until the question put by Sir Charles Russell, have you ever heard it suggested that the National League, at Woodford, had ceased to exist?—No.

9639. And that a Tenants' Association had taken its place?—The same members are the committee of both associations. It is the same thing, in fact.

14 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

9640. About the way in which you took your note. I understand you do not write shorthand?—No.

9641. You wrote down the same evening, within half an hour, what you remembered which you considered of importance of the speeches which were made?—Yes.

9642. Had you done that on previous occasions?—Yes.

THOMAS NOONAN sworn, examined by Mr. ATKINSON.

9643. Are you a process server for the division of Loughrea, in the county of Galway?—Yes.

9644. Are you also summons server for the petty sessional district of Woodford?—Yes.

9645. When were you appointed?—I was appointed process server on the 25th of October 1886.

9646. Who was your predecessor?—Patrick Finlay, that was shot.

9647. Do you remember serving a number of processes on the estate of Sir Henry Burke in about the month of March 1887?—Yes.

9648. Was that for the quarter sessions?—Yes; to be held at Ballinasloe.

9649. Did you post those notices?—Yes.

9650. Afterwards when the sessions came on to be held, was there any point raised about Woodford being a market town?—There was.

9651. And that the posting was in the wrong place?—Yes.

9652. After you gave evidence at the sessions were you boycotted?—I was.

9653. How long did the boycotting last?—About three weeks.

9654. At the end of the three weeks did you go before a committee of the National League at Woodford?—Yes.

9655. Where was the meeting held?—In the League room.

9656. About what day was it?—About the 21st of April 1887.

9657. Who were present at the meeting?—There was the Rev. Father Coen, the Rev. Father Egan, John Roche, Patrick Keary, Patrick Boland, Malachy, Donnelly, Jim Clarke, Michael Shiel, John Reilly, Patrick McDermott, and Stanislaus Burke.

9658. The Rev. Father Coen, what was he in the League, do you know?—I could not say what he was.

9659. Who was presiding upon this day?—John Roche.

9660. And Keary; what is he?—I do not know what position he holds in it.

9661. Did you ever see meetings at Woodford of the League?—I did, but never attended any.

9662. In whose field are they held?—Sometimes in Keary's.

9663. When you came before this meeting just tell us what took place?—I had to pledge myself to them that I would serve no ejectment processes or writs, or do any work for the landlords.

9664. And did you make that pledge?—Yes.

9665. Did you then leave?—Yes, I did. I was sent away and brought in again.

9666. Do you remember Father Coen saying anything to you as you were going out?—I do.

9667. What did he say?—He says: "Anything that is done in this house it cannot be undone outside, for it is the bone and sinew of the parish."

9668. Did you then retire from the room?—Yes.

9669. Were you called back again?—I was called in only twice.

9670. Were you called in a second time?—This was the second time.

9671. Was this said on the first occasion?—No, the second occasion.

9672. On the first occasion when you left the room had any decision been come to before you left the room?—No, not a bit. I was sent out.

9673. And then you were called back again?—Yes.

9674. Was any decision announced when you were called back?—The decision was that I was not to do the work for the landlords.

9675. Was the boycotting then removed?—It was, and I was to go to the police, and tell them that I did not require them any longer.

9676. Did anybody give you that direction?—John Roche,

14 Nov. 1888.]

THOMAS NOONAN.

[Continued.]

9677. What did he say?—He told me to go to the sub-inspector and give the police notice that the boycotting was off.

9678. Up to that time had you been protected by the police?—Yes.

9679. Did you go to the police?—I did.

9680. Did you make this communication to them?—I did.

9681. Were the police removed from you?—They were.

9682. Some time afterwards did you begin to serve processes again?—Summonses.

9683. Summonses?—Yes.

9684. How long afterwards?—In July.

9685. The same year?—Yes.

9686. Were you boycotted again?—Yes.

9687. Did you go before the League again?—No.

9688. How long did the boycotting continue?—It continues up to this, that no one speaks to me. Of course, I cannot obtain provisions in the place. That is the only thing.

9689. Where do you obtain the provisions from?—In the town.

9690. Can you still get them?—Yes.

9691. But at this time, after you served the notices, were you able to get them then?—I was getting them at that time.

9692. Did you continue to get them?—It was discontinued for a few days and I got them very well.

9693. Have you police protection again?—I have.

9694. From that to this?—Yes.

9695. Was anything done to you?—I was fired at.

9696. When were you fired at?—On the 13th of July 1888.

Cross-examined by Sir C. RUSSELL.

9697. This present year?—Yes.

9698. What were you doing then?—I was on my way from my house to town to serve a summons.

9699. Serving writs?—No, ordinary summonses for trespass.

9700. For whom had you been serving the ejectment notices?

9701. (*The Attorney-General.*) “Summonses for trespass,” he said?—The Marquis of Clanricarde and Mr. Lewis.

9702. (*Sir C. Russell.*) They are both very unpopular?—They seem to be.

9703. You know they are?—I do.

9704. And when you promised in April not to serve the writs you broke out again in July?—I did. I should have lost my situation if I did not do it.

9705. I am not wishing to complain about you. I only want to know the facts. Did you begin serving again for Lewis and Clanricarde?—Yes.

9706. You began again serving in July 1887 for Lewis and Clanricarde?—Summonses, not ejectments, writs.

9707. Were those summonses, or some of them, summonses for trespass against evicted tenants who came back to their holdings?—Yes, and some of them for possession.

Cross-examined by Mr. DAVITT.

9708. Are you a native of Galway?—Yes.

9709. What age are you?—About 50 years of age.

9710. Well, I suppose you knew that process servers and sheriffs' officers have been unpopular in Galway?—They have indeed, sir. I am well aware of that.

9711. Doubtless you heard your father telling about Galway landlords making the sheriff's officer eat the writ occasionally?—No, I never did.

9712. Did you never hear tell of Dick Martin, of Connemara, the philanthropist?—No.

9713. Did you never hear your father tell of him?—No, indeed.

14 Nov. 1888.

THOMAS NOONAN.

[Continued.]

9714. Did you ever hear or read about him compelling the sheriff's officer to eat the writ?—No, I did not.

9715. But you do know that process servers have been unpopular at all times?—Yes.

9716. (*Sir C. Russell.*) There is one thing I did intend to ask, but I forgot. Where do you say this meeting was held?—In the League room.

9717. I mean, where was it held?—In the League room.

9718. You have said so before, but where?—At Woodford.

9719. What was the League room, as you call it?—What they used to keep for the committee.

9720. Where in Woodford; whose house?—It is in the rooms of a woman named Egan there.

9721. Is that the house of a person who lets out her rooms for public purposes?—This is let to them by the year.

9722. Do you recollect did the relief committees meet there?—No.

9723. Did they not?—No.

Re-examined by the ATTORNEY-GENERAL.

9724. I want just to understand what your position is. Are you an officer of the sessions or what?—I am a process server and summons server.

9725. Who were you appointed by?—The process server is appointed by Barrister Henn.

9726. Is he a county court judge?—Yes.

9727. And how are you paid, a salary or what?—A salary, and paid for my work besides.

9728. Had you anything more to do with Mr. Lewis except that as an officer appointed by the county court judge you had to serve the summonses?—No, not the summonses. I was appointed summons server by a magistrate.

9729. Were they petty sessions summonses?—Yes, the summonses.

9730. You were doing your work then for the sessions, or under the orders of the county court judge?—Yes, for the sessions.

9731. You had nothing personally to do with either Mr. Lewis or the Marquess of Clanricarde?—No.

9732. Had you any other means of getting your livelihood. Were you independent or obliged to earn your own living?—I have a pension from the army.

9733. And you got in addition to your pension pay in this way?—Yes.

(*The Attorney-General.*) My Lord, I wish for a few minutes before your Lordship adjourns. I am requested by the two witnesses who gave evidence yesterday, Mannion and Flaherty to apply to your Lordship for certificates under the Act, your Lordship is aware of the clause.

(*The President.*) I am aware of it.

(*The Attorney-General.*) My Lord, I need scarcely say that to those men who of course have given the evidence your Lordship heard, it is a matter of considerable importance that they should know that they are entitled to their certificates at the present time, and I would humbly submit to your Lordships, on their behalf, that there is no ground shown why they should not have the certificates. If your Lordships have any reason for thinking they have not made a full disclosure; your Lordship will remember the conditions of the section —

(*Sir C. Russell.*) I have only to say in regard to that (and I think I have a right to say it), my friend is making this application prematurely. Your Lordship cannot judge of the fact whether those witnesses have made a full disclosure until your Lordship has heard further evidence.

(*The President.*) I think that is reasonable. Of course there cannot be any immediate necessity for my doing it, and the question will arise with reference to other witnesses possibly. Therefore I think the matter had better stand over.

(*The Attorney-General.*) Your Lordship thinks the question should stand over,

(*Mr. Justice Smith.*) It always does in election petitions, Mr. Attorney.

14 Nov. 1888.

THOMAS NOONAN.

[Continued.]

(*The Attorney-General.*) Your Lordship thinks it should stand over till at any rate a later stage of the inquiry.

(*The President.*) Yes.

(*The Attorney-General.*) If your Lordship pleases.

(The Court adjourned for a short time.)

(*The Attorney-General.*) My Lords, I am afraid I cannot go on with any other separate case in Galway, but I hope to be able now to give evidence in reference to Galway which will summarise the evidence in that district, and enable me to shorten the case. It will be of the same character as was given by the previous witness, Police Inspector Bell.

(*Mr. Lockwood.*) My learned friend, Sir Charles Russell, had a printed list given him of all the outrages that were included in the evidence.

(*The Attorney-General.*) And I am going to give it you as well.

(*The President.*) Is it the same witness?

(*The Attorney-General.*) No, my Lord, James Murphy.

(*Mr. Justice A. L. Smith.*) Galway still?

(*Mr. Lockwood.*) My recollection is that this was treated by your Lordships not as being evidence of certain outrages, but as statements reported to the witness.

(*The Attorney-General.*) I have more police evidence.

(*The President.*) The man's examination was this: what was his knowledge as to the state of the county, and then he handed in the report.

(*The Attorney-General.*) He stated that these things were reported to him in the course of his duty, and thereupon Sir Charles Russell said, as this gentleman says, they were reported to him. I do not object. You will find it at page 553.

(*Sir C. Russell.*) It is quite true I did say so, and I do not object because I took it for granted that there would be some evidence, more or less, as regards the offences there enumerated, to connect some of the outrages with those incriminated, but having heard the evidence, which is apparently, as regards Galway, now coming to a close, I have to point out that only in an exceedingly small number is there any approach to any evidence connecting the incriminated persons even as being members of the Land League, I mean beyond my learned friend's general argument in opening, in which he described the condition of Ireland between the landlords and tenants as being a complete state of happiness and peace up to the time of the Land League. Therefore, seeing my learned friend has not, and does not, propose to give further evidence, I certainly do not feel disposed, unless your Lordships express an opinion, as to which I should certainly defer—I say, unless your Lordships express a contrary opinion, I do not feel inclined to admit any more wholesale evidence. And my reason is, I have to discount its effect upon your Lordships' minds hereafter; and I say it has a very bad effect to have paraded and focussed in this way, an account of the crime committed by the production of the kind of evidence that I have generally adverted to, and to treat it as being matter to be attributable to the action of the Land League, and unless your Lordships express a contrary opinion, to which I repeat I should at once defer, I shall not make the same admission again.

(*The Attorney-General.*) I should like to say a word or two about this. In the first place I must not be understood as at all agreeing with my learned friend as to the degree of the actual connexion between the outrages proved and the cases spoken to by Mr. Bell. On the contrary, I shall be able to point out, by the very large number of witnesses, that you have had already a very considerable connexion. Then, my learned friend Sir Charles Russell says that is the only evidence we are going to give in this connexion. My learned friend Sir Charles Russell is entirely under a misapprehension there. Your Lordships are aware that by an arrangement between Sir Henry James and Sir Charles Russell the matter of the speeches, which were exceedingly numerous, bearing upon these particular outrages, have not been put before you.

(*Sir C. Russell.*) That is of course a perfectly just observation to make. Then let this evidence be deferred until these speeches are ready.

14 Nov. 1888.]

THOMAS NOONAN.

[Continued.]

(*The Attorney-General.*) I also pointed out to your Lordships that I really anticipated matters by giving my learned friend, Sir Charles Russell, the list before the point arose, but I will assume now that the point has already arisen, and I will point out that in connexion with your Lordships duty, which I have more than once drawn attention to, this is evidence of the state of the district. It may be that ultimately everybody who has reported to the particular police inspector should be called, but I submit I am entitled, as in the case of Inspector Bell, to prove that the police officer personally investigated the matter, and reported in the course of his duty the result of his investigation, and I must say this, that my learned friend took no objection upon this. He said not one word about seeing the proof of their connexion or anything of the kind when Inspector Bell was in the box. I would just read the passage. It is at page 553, "Do you keep a record of all the agrarian outrages which occur in your district? (A.) Oh, yes, there is always a record kept of every outrage. (Q.) I believe you have got a list there that you can hand in? (A.) No, I have got no list. Those that you have there were only reported to me. I mean they were taken out of the books of my district. I know officially about them. (Q.) These are outrages reported to you in your official capacity? (A.) Yes. (Q.) Do you remember them yourself? (A.) I cannot repeat them all; there are so many of them. I do not remember the exact dates. I remember the circumstances." Then Sir Charles Russell says "This gentleman says they were reported to him. I do not object to them" and then they were taken, and your Lordships will observe if this evidence were not to be admissible, it would doubly shut out the Parliamentary returns, because these are the sources from which these Parliamentary returns must have been prepared. And it is only necessary to refer to this for supplementing what the Parliamentary returns do not show. But in addition to this—I am in your Lordship's recollection—for days, my friend, Sir Charles Russell, has cross-examined a very large number of persons as to their opinion as to the cause of particular outrages, or the cause of outrages generally; and that being so, having regard to the duties your Lordships are called upon to perform, namely, to get information which will lead to the truth, I respectfully submit that even quite apart from my friend's admission, as to which I do not wish to tie him, this evidence will be admissible. I can only say, if my friend thinks it should not be taken, and your Lordships should hold that, it will lead to calling every one of the witnesses to depose to the facts for the purposes of my case, instead of proving that a certain official report existed, as in the case of Mr. Bell, who was called to show what the state of the district was. Exactly the same reports and returns are open to my learned friend, and they can be used by him, and elicited from the witnesses in connexion with the district from which they appear, and for the particular period to which we are going to refer, I do not want, of course, to argue the matter again, but I submit to your Lordships, that just as when Bell, the inspector, was in the box, your Lordships in giving judgment, agreed that the position taken by Sir Charles Russell was the reasonable one. I submit that everything that has occurred since shows it to be more reasonable that this evidence should be taken, and that no evidence should be withheld on the ground that a certain part of the return might be shown to touch crime not actually proved in this inquiry, or be brought home to the National League. Again, I say, as to a very large number of those already referred to, evidence has already been given.

(*Sir C. Russell.*) My Lords, I will only say this one word. I do not think my friend has said anything which has displaced what I have already stated to you. As I have stated over and over again, when previous evidence was objected to, my learned friend undertook to give evidence to connect incriminated persons or some of them with particular outrages; and a good deal of evidence has been opened by my learned friend and been admitted upon that basis. And I repeat what I have said, if your Lordships think proper, altogether apart from the legal right of the matter, that it would be a matter of convenience that it should be given, I certainly would defer to any expression of that kind. But let me repeat once again I do not object to the fact of the report. That is admissible in evidence, but what I do object to, and what I say is not legal evidence, and never was legal evidence, is the details of what that report was, still less if it is put forward as evidence of the facts so reported.

(*The President.*) Well, let me say at once that there need not be the slightest apprehension of our forming an opinion upon that which is the main point in the case,

14 Nov. 1888.

THOMAS NOONAN.

[Continued.]

namely, whether or not the persons against whom charges and allegations are made can be connected with these outrages, or that our minds will be affected by the mere fact of the proof of them. We should be unworthy altogether of the position in which we have been placed, if we were not able to maintain our minds in a state of equilibrium upon that point, but we are now dealing with the mode in which proof of the condition of the district should be given. Certainly Sir Charles Russell cannot be bound by what he did at the earlier stage of the inquiry. He might very well, for various reasons, be disinclined to make the same concessions now which he did at an earlier stage. I am bound to say that it occurred to me, and I believe it occurred to my colleagues, that Sir Charles Russell was acting in a manner which recommended itself exceedingly to us, when he abstained from taking any objection which he might have taken to the admission of that list. If an objection of that kind were sustained, the effect would be of extending this inquiry to a period which it is fearful to contemplate. It might last any number of years. I have not yet taken the opportunity of consulting my colleagues, and I am now only speaking for myself, but I do hope that it will be found practicable to take evidence of this kind in a general way. That is in accordance with what I said in the outset. Our minds are carefully guarded against its being supposed to have any connexion between the persons charged. That must arise from other circumstances. I have this much in answer to the observations that have been made on the one side and on the other. I do not understand that we are at this moment called upon to give an absolute decision.

(*Sir C. Russell.*) I say at once, after what your Lordship has said, I shall not make the objection, but I would like your Lordship to look at this document.

(*The Attorney-General.*) Really, I have not got it at the present moment. I handed it to you in anticipation. I have a great deal of evidence yet.

(*Sir C. Russell.*) Will you Lordship look at it.

(*The President.*) Yes. [*The document was handed to his Lordship.*]

(*Sir C. Russell.*) And will your Lordship look at the column which is the last column but one on the right-hand side of the page, and see whether that ought to be read out, as if it were a part of the report.

(*The President.*) Which column?

(*Sir C. Russell.*) The last on the right-hand side, the heading of it. That is different from the form of the report my friend gave in Bell's case.

(*The Attorney-General.*) The mere question of heading is nothing. It is the substance of the column. It will be found in the first place, those are from the police reports, and are exactly the same, that is to say, the entries, that were given in Bell's case. But further than that, which is more important, they are of exactly the same character of report as Sir Charles Russell was reading from the Parliamentary returns.

(*Sir C. Russell.*) When was it?

(*The Attorney-General.*) And are, in fact, the same that he read. If the book has not gone I will read the passages. For instance, my Lord, there is this: Notices threatening any person taking a farm or going as herd to one of Miss Nixey's farms; notice threatening Mr. Lewis' life; notice threatening the life of any person who would pay rent, and any number of them made in this return, and that which is there called motive, I do not attach importance to, but to the cause which was given and described by the officials in the course of their report. But in this case you can see, if there is any doubt about it, the original entries. It is no more than a compilation from the official report.

(*The President.*) Apart from the word "motive," I do not see what would be the use of that, unless that last column but one were there.

(*Sir C. Russell.*) Very well, my Lord, I make no objection.

JAMES MURPHY sworn, and examined by the ATTORNEY-GENERAL.

9734. Are you the district inspector of the Royal Irish Constabulary?—Yes.

9735. How long have you been in the force?—Over 22 years.

9736. How long have you been district inspector?—Over two years; two years and some months.

9737. How long have you been at Woodford or stationed at Woodford?—Since the 11th August 1886.

9738. Where were you before?—In the county Kildare,

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

9739. Had you any knowledge of Woodford before August 1886?—No knowledge whatever.

9740. Just tell us what your district included, the particular sub-district of Woodford?—It included the sub-district of Woodford, Mount Shannon, White Gate, Rossmore, Lusecorne, Davy Brian, Ballingar.

9741. Answer this question, yes or no. I presume you do not know of your own knowledge what was the condition of the Woodford district before August 1884?—No, I do not.

9742. August 1886, I mean. Now let me ask you were you present at the evictions which are called Saunders Fort?—Yes.

9743. When were they?—The eviction of Saunders Fort was on the 27th August 1886.

9744. Tell us what Saunders Fort eviction was. What was Saunders Fort. Was it the house of a man named Saunders?—It was the house of a tenant farmer on Lord Clanricarde's property; the house of a man named Saunders, and it was fortified to resist eviction.

9745. Eviction processes [had been ordered by some magistrate, or in some way?—Oh, no; I think they were from the superior courts.

9746. However, there had been legal processes to give the landlord possession of the house?—I presume so. I did not see the process.

9747. Who was executing it?—The sub-sheriff of the county of Galway.

9748. Explain to my Lord what was done at Saunders Fort. First, please, you said the place was fortified. What was it; what was done?—Well, the windows were bolted up, and the doors bolted up with stones inside, and two holes were cut in the roof in the slates; it was a slated house.

9749. Were any persons inside?—Yes, I think there were 21 persons arrested, speaking from memory.

9750. (*The President.*) Twenty-one persons what?—Arrested inside when possession was taken.

9751. (*The Attorney-General.*) What happened on the first occasion?—On the first occasion the sheriff did not execute the decree. He did not succeed in executing it.

9752. Tell us, please, what happened first. Who accompanied the sheriffs, the police?—The police.

9753. (*Sir C. Russell.*) Was he there?

(*The Attorney-General.*) He said he was there.

9754. What number of the police were there?—I could not say what number were there exactly, the first day.

9755. About how many?—There may have been a couple of hundred.

9756. There were no soldiers on the first day?—No, there were no soldiers on the first day.

9757. When the police attempted to take possession what was done?—I do not think the police attempted to take possession that day. The sheriff's assistants did.

9758. What did they do?—They attempted to force an entrance.

9759. What was done to them when they were doing that?—The principal thing that was done was, slates were pushed off the roof of the house.

9760. On to them?—Yes.

9761. Any sticks used?—Not on that occasion that I remember, no sticks there.

9762. On that occasion was there anything done with water?—I think there was.

9763. Were there a number of people assembled to see what was going on?—Yes.

9764. What sort of people were assembled?—The people in the neighbourhood; country people.

9765. Did you see any persons cheering and shouting to the men inside the house?—I did.

9766. Tell me who they were?—I could not say. I saw a number there.

9767. You saw some people doing it, but do you know their names?—No.

9768. Now on the second day or the next day was it, the sheriff again attempted to get in?—I do not know; it was the next day. I have no very distinct recollection of the whole thing, only the last day.

9769. Tell us what happened the last day?—The house was barricaded. Hot water and lime were thrown particularly from the holes in the roof, swarms of bees were let

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

out, and sticks were put out, and I endeavoured to force an entrance myself, and I was pushed off the roof of the house with long sticks, pushed clean off the roof with poles.

8770. You were pushed off with poles?—Yes.

(*The President.*) Is it necessary to go into all these details?

(*The Attorney-General.*) I do not know that it is, only we find it so often referred to in the speeches as a model method of whatever was wished by the gentleman who spoke. I wish your Lordship to have a general idea of what was going on, that is all; and I may mention it we shall produce evidence to show that many of the persons who are members of Parliament, and who are charged, spoke of it in the way I have said.

(*The President.*) I only mean the details of the resistance to law are not necessary.

(*The Attorney-General.*) I quite follow your Lordship.

9771. After you went there, when was the first meeting. Was there a meeting of the National League held there?—Meetings were held weekly, sometimes they were held at Lusecorne and sometimes at Woodford. I do not remember at what time the first meeting was held after I went there.

9772. What day of the week?—On Sunday.

9773. Do you now know—I do not know whether you knew it then—did you yourself see the people who attended those meetings?—I saw the people coming to the meetings, but they used to hold them in the back yard of the League Hall.

9774. Do you now know the names of any of the people whom you say you remember going to those meetings?—I did not know them then when I went there.

9775. You know them now?—I do.

9776. Say who they were?—Father Coen used to attend, John Roche, Patrick Keary, Michael Sheehy, Francis Tully, and Patrick Macdermott. Father Egan used to attend them; he was there at the time.

9777. Any other particular names you remember now?—A man named Timothy Clark used to attend.

9778. Did you know Francis Tully?—Yes; I mentioned him.

9779. Now, take one or two particular dates without going into detail. Do you remember an eviction in October 1887, at the Fahy's?—Yes; I was present at it.

9780. Whose property was that on?—Lord Clanricarde's.

9781. What date in October was that, do you remember?—20th October; 20th October 1877, I believe.

9782. Was the sheriff assisted there both by police and soldiers?—He was.

9783. Was there the same kind of resistance as you have described at "Saunders Fort"?—There was much the same.

9784. I do not mean in every detail, but the same character of resistance?—Yes; there was hot water thrown.

9785. At Fahy's did you see any of the men whose names you have given as attending at the National League meeting, either taking any part or encouraging the people?—I saw Francis Tully there, and John Roche were present.

9786. Was Pat Keary there?—I do not remember distinctly now the parties who were there.

9787. Was a man named Mullen there?—I do not remember. There was a man named Moran there.

9788. It may be printed wrong. Was Father Egan there?—I am not really certain.

9789. You mentioned the name of Pat Keary as not being there, but in connexion with the League. Had Pat Keary a house at Woodford?—He has. He resides at Woodford.

9790. Do you know whether any National League meeting took place at Pat Keary's house?—I am not aware, except the meeting of the 15th October 1887.

9791. Did that take place?—That took place at Mr. Keary's house.

9792. Do you know who was the secretary of the National League?—I heard that Pat. Keary was.

9793. Did any person's house in the autumn of 1887 have anything painted on them?—Yes, the house of Miss Maloney and a Mrs. Connelley. They had the words "Boycott" painted on them one night, I think about the last day of October, something about that time.

9794. That was put on about that time, you mean?—Yes. Signboards were daubed with paint, and they were boycotted.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

9795. Did you know of any boycotting notices being served at that time?—I do not remember. Miss Maloney's was in 1886, the latter end of 1886.

9796. When was the boycotting of Maloney and the other name you gave?—I think it was 1886.

9797. I am told it was the end of 1886; do you remember?—Yes.

9798. Was it a few months after you went to Woodford?—Yes, I believe so.

9799. Do you remember in the beginning of the next year any boycotting notices being brought to you, or did you see any?—There was one. I saw one about Sir Henry Burke.

9800. About what time was that?—I think that was in March 1887.

9801. What was it?—It was calling on the people to boycott Marble Hill.

9802. How did it go on, do you remember?—I think it called him a tyrant. I have not a copy of it.

9803. Do you remember it saying anything about servants and workmen?—I do.

9804. What did it say?—I think it said for them to leave.

9805. Not work for him?—Not work for him.

9806. Do you remember it said as to what would be done if they did not leave; do you remember anything about traitors?—I do remember something about that.

9807. What was it?—I do not remember distinctly the word; I have not seen it, I could not say for certain.

9808. Now there were some persons named Toughy, to whom something was done about the same time, the early part of March 1887; do you remember anything being done to them?—I remember that turf was burnt on them in the bog.

9809. I do not want to take you in detail, but I will ask you directly as to the list I am going to take you through; were you boycotted at any time?—I was, very closely.

9810. When?—From the time of the evictions in 1886 till about April 1887.

9811. Explain what form the boycotting took so far as you were concerned?—It took the form of depriving me of everything they could possibly deprive me of.

9812. Do you mean bread and milk?—Both bread and milk. I had the greatest difficulty possible in getting milk, and sometimes had great difficulty in getting bread even.

9813. Did your children actually suffer from want of it?—One instance of it. I remember my child crying for bread, and I had none to give it, and could not get it till night time.

9814. How many miles had you to send your men?—That is for milk. It was sometimes brought to me four or five miles in a despatch case, in a bottle.

9815. Is that in the despatch case carried in it as if he were carrying letters?—Yes.

9816. Now kindly follow me while I call your attention to a list of outrages; I will give the different names. I believe you did investigate yourself a number of outrages since the 11th August 1886?—I did.

9817. And had reports made to you by your officers?—Yes.

9818. Of what they discovered?—Yes, by the sergeant in charge of the sub-districts in which the outrages occurred.

9819. I will take the 13th August 1886. Pat Canlon and Pat Bryan, do you remember their windows being broken?—I do.

9820. Do you remember what cause was reported to you as the cause of the windows being broken?

(The President.) Have you come now to the point?

(The Attorney-General.) Yes, my Lord, I am quite willing to call all these witnesses.

(Mr. Justice A. L. Smith.) Do you object to this, Sir Charles? You are going to work a blue-book hereafter, you know.

(Sir C. Russell.) Yes.

(Mr. Justice A. L. Smith.) Only see the position you are in. If you object to this, the Attorney-General will object to your blue-book.

(Sir C. Russell.) I am not objecting to this, but I am objecting to any fact reported to him. This is not a fact.

(The Attorney-General.) That is all I ask.

(Sir C. Russell.) No, this is not a fact reported.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

(*Mr. Justice A. L. Smith.*) When you get to the blue-book as to outrage, the blue-book will come to nothing.

(*Sir C. Russell.*) So far as there is any motive suggested at all, it is part of the offence itself.

(*Mr. Justice A. L. Smith.*) No.

(*Sir C. Russell.*) I beg your Lordship's pardon. The illustrations my friends gave were threatening notices telling any man who paid his rent he would be boycotted and so on. I wish to present to your Lordship how the matter stands. Here are two persons whose names are given and whose windows are said to have been broken.

(*The Attorney-General.*) And shots fired through their houses.

(*Sir C. Russell.*) That is not material to the point I am upon. "Why?" Then the constable puts down what he calls the motive.

(*Mr. Justice A. L. Smith.*) No, what is reported to him.

(*Sir C. Russell.*) No, with great deference, it does not follow it was reported to the constable at all.

(*The Attorney-General.*) I asked the question.

(*Sir C. Russell.*) The constable reports to this gentleman.

(*Mr. Justice A. L. Smith.*) Yes.

(*Sir C. Russell.*) But where did the constable get it?

9821. (*The Attorney-General.*) Do you remember in Corlon's case and O'Brien's case whether you visited the people?—I visited the place.

9822. In both cases?—Yes.

9823. In a great many of these instances is it the record of your own inquiries?—Most of them.

9824. And you ascertained from the people, as far as you could, what was the cause why the outrage had been committed?

(*Sir C. Russell.*) What was the cause they suggested?

(*The Attorney-General.*) Exactly; that is what I meant. Nobody understood me as meaning anything else but that, I am sure.

(*The President.*) That is all that a policeman can do.

(*Sir C. Russell.*) I shall not press it.

(*The Attorney-General.*) More than that. That is all I was ever putting forward, the statement that was made.

9825. Do you remember without reference—I will suggest to you if you want to refer—in that case why it was the window was broken?—It was reported to me they were broken and the shots fired into O'Brien's house because they either paid or were suspected of having paid their rent.

9826. Now Rody Wheelan. Do you remember his hay being overthrown, the hay that was made up?—I do.

9827. What was he?—He was bog-ranger. A sort of general caretaker in that neighbourhood for Lord Clanricarde.

9828. Mr. Farren. I will pass that. He summoned some members of the National League for poaching. That may be said to be a colourless incident?—He did.

9829. Pat Gorvey. Do you remember 16 cocks of his hay, and 14 stacks of his oats being thrown down?—That is a case reported to my head constable, not to me. I did not visit that.

9830. That was reported to Reynolds?—Yes.

(*Sir C. Russell.*) I do not object to your reading.

9831. (*The Attorney-General.*) "Did not assist in cutting crops for Woodford prisoners." Is that what was reported to you?—That case was not reported to me. I believe that was the motive. I heard that was the motive.

9832. J. M. A. Lewis, Esq., J.P. His crops cut and carried away by 150 men?—Yes, they were carried off evicted farms.

9833. (*Sir C. Russell.*) Read the whole entry.

(*The Attorney-General.*) "Crops maliciously cut and carried away (150 men)"?—I am not sure I was at home when that occurred.

9834. Listen to these cases. Anne Moran, Christy Duffy, John Derwan (Peter), John Derwan (Hugh), Thomas Dervin. All their crops interfered with. Their hay-cocks thrown down. Do you remember what that was for?—Yes; I remember that. I visited those places. The motive there was not joining the National League.

14 Nov. 1888.

JAMES MURPHY.

[Continued.]

9835. John McNamara. I must give the date, 9th of October 1886. John McNamara, Ballyhinch.

(*The President.*) With regard to that, let us get to the bottom of it. It is a very good test case. Will you follow that up. I want to see what he gets or imagines he gets.

9836. (*The Attorney-General.*) Just tell us that?—It was reported to me by the sergeant of the district; by the local police.

9837. That these crops were injured?—Yes, that that was the motive.

9838. Did you yourself investigate it?—I did.

9839. What did you do?—I went and visited all the places. I saw the injured crops.

9840. Did you say anything to the people?—I did.

9841. What did you say to them? Take any cases you remember?—I do not distinctly remember now what the conversation was between us.

9842. Cannot you tell us the substance of it, I mean to say?—No; my recollection is that I understood from them that was the motive.

9843. Did you ascertain anything else these people were alleged to have done except that they had not joined the National League?—I do not remember now.

9844. Did you try to get to the bottom of the case in every instance you could?—I did, indeed.

9845. In the discharge of your duty?—Yes.

9846. Now "John McNamara. Windows broken. Daughter worked one day for a partially boycotted man." How did you get that information?—From the parties themselves. That was the motive they assigned for it themselves.

9847. Now "John Whelan. Assaulted, and 15 cwt. of coal taken from him." What did you ascertain in that case?—I ascertained that the man was attacked by a number of people when bringing a load of coal in the direction of Rossmore.

9848. What was there at Rossmore, constabulary barracks, or what?—Constabulary barracks, and he was assaulted, and the coal was carried about the road, and some of it thrown into the ditch.

9849. Now Mullaly and Mrs. Anne Connolly, 31st of October. The postmaster at Woodford, and the people you have referred to as having their houses painted with "Boycott," what was the cause of that?—I believe that was for supplying goods to the police, or to defence men. That was the motive in that case.

9850. (*Sir C. Russell.*) You may read all this.

(*The Attorney-General.*) I will.

(*Sir C. Russell.*) "Supplying drink and provisions for the police."

(*The Attorney-General.*) "Supplying drink and provisions for the police." The postmaster one is not in point. 4th March 1887. Sir Henry Burke. Turf and farming implements destroyed. Not giving reduction of rent demanded by tenants. M. Cassels, Woodford. Severe blow struck on his head at a time when notorious Dr. Tully was being conveyed to prison. 24th of November 1886, Hubert Donohoe, of Ballinagar, struck a severe blow, with a stone, upon the head, because he remained in Mr. Lewis's employment.

(*Witness.*) That is a case which was reported to the head constable first.

9851. That is one of the cases (it appears in the margin; there are only two on the whole of the first page I have read) which were not reported to this gentleman himself.

(*Sir C. Russell.*) I think there are three.

(*The Attorney-General.*) I beg your pardon, I thought only two.

(*Sir C. Russell.*) I do not think there was anything about being struck a blow on the head.

(*The Attorney-General.*) I think he said he was struck and knocked down.

(*Sir C. Russell.*) He did not say a blow on the head.

(*The Attorney-General.*) Before the meeting, when he was going home, you will find his evidence was he was attacked and assaulted. The man is Donohoe.

(*Sir C. Russell.*) He did not state he was struck a severe blow with a stone on the head.

(*The Attorney-General.*) I agree.

(*Sir C. Russell.*) You said yes.

(*The Attorney-General.*) Michael Murray, farmer, severely beaten; head injured. That is the 10th December 1886. "Being on good terms with Mr. Lewis's steward."

14 Nov. 1888.

JAMES MURPHY.

[Continued.]

24th January 1887, Winifred Spaine, threatening notice posted on the door of a dwelling-house, acting as servant to police. 24th January 1887, Pat Mitchell, threatening notice posted on the door of the dwelling-house, acting as servant to boycotted person. 18th March 1887, Michael M'Hugo; side car maliciously stolen and destroyed. He drove the police to the evictions. Sir Henry Burke I have read, I need not refer to that again. Mr. Lewis, on the 19th of April 1887, his furze was burnt; refusing to give reduction of rent demanded by tenants. Do you remember what you ascertained, or what was reported to you as the cause of Lewis's furze being burnt in April 1887?—I am not sure about that case, I believe it was on account of the feeling between him and his tenants.

9852. "7th May 1887, Michael Tuohy, farmer, Ballinagar, turf maliciously burned; working for Sir Henry Burke. 25th July 1887, John Bowen, farmer, turf maliciously burnt; working for Sir Henry Burke. 28th July 1887, Thomas Noonan, process server, notice threatening with death any person entering Noonan's house, or having any dealings with him; cause, acting as process server. 27th August 1887, Pat Regan, farmer, 27 cocks hay and 26 stooks oats maliciously thrown down. Sons flushed for Sir H. Burke." What does that mean?—Beating the covers.

9853. 27th August 1887, Mrs. May Jennings, seven cocks hay and 40 stooks oats maliciously thrown down?—I just wish to say I did not see that portion—the injury done to Mrs. Jennings. The hay and crops were built up again when I went up there.

9854. You saw the injury done to Regan?—I saw the injury done to Regan.

9855. But not the one done to Mrs. Jennings?—But not the one done to Jennings. He told me he had it built up.

9856. And the reason was his sons had flushed or beaten covers for Sir Henry Burke?—Yes.

9857. "27th August 1887, Pat Brown, three cocks of hay maliciously thrown down. Being on good terms with Regan. 29th August 1887, William Geraghty, five cocks hay thrown down. Taking grass from Sir Henry Burke. 10th September 1887, Dr. Sampson, five cocks hay thrown down. Serving notice of ejectment. 29th September 1887, Pat Brown, cock of hay maliciously burnt. Supplying groceries to obnoxious persons. 7th October 1887, Pat Regan, the main and tail of his horse cut off. Sons flushed for Sir H. Burke. Anthony Minoque, on the 9th of October 1887, main and tail cut off horse. His son attended the Uncle's wake." What is the meaning of that, and why is that an offence?—It should be attended the uncle. He had been boycotted before his death.

9859. Had he died or what?—He had been boycotted before his death.

9859. He had been boycotted before his death, and somebody attended at the wake?—His nephew attended the wake. Anthony Minoque's son attended the wake.

9860. Then, "20th October 1887, sheriff and assistants. Sheriff's assistants assaulted at eviction of Pat Fahy. Resistance to eviction." Mrs. Clear, Mrs. Cunningham, and John Burke, on the 18th of October 1887, of three different houses, windows broken, and in the last case a shot fired through the kitchen window. Their relations had flushed for Sir Henry Burke. Then Lord Clanricarde's boat stolen on the 26th March 1888.

(Sir C. Russell.) You have passed one, have you not?

(The Attorney-General.) I think it was cutting telegraph wires.

(Sir C. Russell.) "Gullets maliciously down."

9861. (The Attorney-General.) What does that mean?—The roads were cut when the evicting party were returning from an eviction.

9862. You mean when the sheriff and the escort were returning from an eviction?—Yes.

9863. There are a number of instances here, sheriffs' assistants. Hot water thrown on bailiffs. Hot water and lime thrown on bailiffs. Those are the 1886 evictions, I think, what I have mentioned. Now, with regard to speeches. Did you prepare a list of the persons who took part in meetings in the Woodford district?

(Sir C. Russell.) Have you read the one at the top of page 3?

9864. (The Attorney-General.) I will, if necessary. 14th April 1888. Pat Glynn. Revolver shot fired through kitchen window. Borrowed a horse from man suspected of having paid his rent. How did you find that out?—That was the assigned motive by the constable who was in charge of the station.

9865. Now, have you prepared a list of the speakers at the various meetings?

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

(*Sir C. Russell.*) I really would be glad if you would read the rest.

(*The Attorney-General.*) I think I have read them all.

(*Sir C. Russell.*) "13th May 1888. Pat M'Queany. Clamp of turf value 3l. maliciously burned. Being on good terms with Thomas Noonan, process server."

9866. (*The Attorney-General.*) What do you say about that?—The assigned motive for that was he was on good terms with Noonan—that Noonan visited his house.

9867. Have you prepared a list of the meetings that were held in the Woodford district with the names of the speakers that took part in them?—Yes.

9868. The 6th December 1885?—They were furnished to me by sergeants in charge of sub-districts.

9869. Then I must get that from somebody else. Perhaps you do not mind my reading it at present.

(*Sir C. Russell.*) Not the slightest.

(*The Attorney-General.*) 6th December 1885, a meeting at Ballinagar. Persons who were present—Father Callagy, Father Egan, Martin Egan, John Sweeney, and Pat Keary. At Ballinakill on the 11th April 1886, Martin Egan, speaker. At Woodford on the 25th February 1886, Father Egan, John Roche, and Tim Clarke.

(*Sir C. Russell.*) Are not you going to read the whole of the thing?

(*The Attorney-General.*) I will read the whole of the thing now if you wish it. I only want to get at present the names of the speakers. This is only a summary. I have given my learned friend a list of the meetings and the speakers. The actual speeches will be put in presently. The summary there on the paper which I have given my learned friend would only be in short our view of what the speeches themselves said. Therefore, I did not think it right to read it at present.

(*Sir C. Russell.*) Did not think it right?

(*The Attorney-General.*) I will if you wish it.

(*Sir C. Russell.*) I have no objection at all. If you are to go over it again I do not see why you should not do it now.

(*The President.*) If there is no objection taken it may be the summary will be more valuable than the speech itself.

(*The Attorney-General.*) Very well, I will read the whole of it; it will not take me very long.

"Ballinagar, 6th December 1885. (Sergeant Murphy thinks it was a police-man named Scanlan, who is now an A. S. at depôt, took notes at this meeting.) The speakers I have named. Father Callagy, Father Egan, Martin Egan, John Sweeney, Pat Keary. General outline of speeches. Protesting against the action of Mrs. H. Lewis in refusing to give a reduction of rent to her tenants, and for refusing to allow the tenants to go in a body into Ballinagar House. Outrages that followed, and their date. Attempt made to blow up Ballinagar House on 13th December 1885."

"Ballinakill, 11th April 1886. (Sergeant Pat Murphy took notes.) Speeches. Martin Egan. General outline of speech. Resolution passed by Ballinakill branch of National League not to take grass farms from Sir H. Burke. Speech made in support of resolution. Outrages that followed and their date. Notices posted on 1st May 1886, threatening any person who would take grass farms with the fate of Finlay. Notice also posted on the door of Thomas Dewan's house 9th May 1886, threatening him with death for having taken one of the grass farms."

"Woodford, 25th Feb. 1886. (Constable Noble took notes.) Speeches. Father Egan, John Roche, Tim Clarke. Outrages that followed and their date. Patriek Finlay, process server, murdered. 3rd March 1886."

(*Sir C. Russell.*) We have no outline of those speeches.

(*The Attorney-General.*) No, that is perfectly true; but you will find those speeches are among those that have been proved, some of them:—

"Ballinakill, 9th May 1886. (Sergeant P. Murphy took notes.) Speaker: Martin Egan. General outline of speeches. Resolution passed by Ballinakill branch of National League. Not to cut turf for Sir H. Burke. Outrages that followed and their date. Out-offices of Wm. Conway, Parkgurrán, maliciously burned, 15th May 1886. (Conway cut the turf for Sir Henry notwithstanding the resolution.)"

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

“Woodford. (Constable Noble took notes.) 17th October 1886. Speakers:
 “John Dillon, M.P., Wm. O’Brien, M.P., Matt. Harris, M.P., David Sheehy,
 “M.P.”

(*Sir C. Russell.*) Now, we come to a different question altogether. Your Lordship will be good enough to look at this. Your Lordships have not a copy. I think it is a great pity your Lordships have not. Now, we come to a meeting which is here described as being for, I presume, the inauguration of the Plan of Campaign. Now, my Lord, I have to ask what part of the allegations against certain persons is made in this case which relates to the Plan of Campaign. My learned friend said that he would justify that when I made the objection some time ago.

(*The Attorney-General.*) I did actually justify it at the time.

(*Sir C. Russell.*) No, indeed, you did not.

(*The Attorney-General.*) I will not notice the contradiction of my learned friend, Sir C. Russell, nor the words in which it is put; but as a matter of fact, the Plan of Campaign is specially referred to in “Parnellism and Crime.”

(*Sir C. Russell.*) Will you refer to it?

(*The Attorney-General.*) I will, but not at the present moment, because I have not got it in my mind. In addition to that there are repeated paragraphs to which your Lordship referred when the previous objection was taken, as to there being meetings and speeches made for the purpose of an organised resistance by tenants to the carrying out and fulfilling of their legal obligations; further than that (whatever it be called—“Plan of Campaign” is only a name)—resistance to the carrying out or executing the process of the laws and the payment of rent; that is to say, as I explained to your Lordship on the previous occasion, the “Plan of Campaign” is one of the devices suggested; not originated, but suggested again, whereby unless all the tenants agreed, no single tenant should pay his rent. It is only part of the matter to which I originally called your Lordship’s attention. I think, if my learned friend was going to raise this point again, he might have given me some intimation.

(*Sir C. Russell.*) I raised it distinctly then, and my learned friend said when he came to it, he would justify the statement he made, which he did not then justify.

(*Mr. Justice A. L. Smith.*) I think you said you had not the papers in Court at the time, but you could get them when wanted.

(*The Attorney-General.*) Most certainly, my Lord, I can do it. For a moment we will pass it. I am going to call attention to it later on. At the meeting at Woodford, at any rate, those speakers appeared.

“John Dillon, M.P., Wm. O’Brien, M.P., Matt. Harris, M.P., David Sheehy, M.P., Luke Hayden, M.P., Father Egan, Father Coen, &c., &c.—
 “General outline of speeches. Inauguration of the Plan of Campaign. Speeches made in support of it. Outrages that followed, and their date. Wm. Mullally’s window shutters and sign-board over shop daubed with paint, and “Boycott” printed on front of house. Same injury to Mrs. Connolly’s house,” on the 31st October 1886, the meeting being the 17th.

“Cappacon, 19th October 1886. (Sergt. P. Murphy, A. S. McDermott, and H. Const. Reynolds took notes.) Speakers, D. Sheehy, M.P., Francis Tully (“Dr.”), Martin Egan, Law. Egan. General outline of speeches: Condemning Mr. Lewis for not giving a reduction of rents, and combining for the purpose of demanding from Sir H. Burke a larger reduction than he had offered. Outrages that followed, and their date: Hubert Donohoe, servant to Mr. Lewis, seriously assaulted, 24th Nov. 1886; “Dr.” Tully was sentenced to three months imprisonment for language used towards Mr. Lewis at this meeting.

“Woodford, 10th December 1886. (H. Const. Reynolds and Const. Gibbons took notes.) Speakers: D. Sheehy, M.P., Matt. Harris, M.P., John Roche. General outline of speeches: Speech made by John Roche in condemnation of action of Mr. Lewis. Tenants on Clanricarde and Lewis estates paid into Plan of Campaign Fund on this date.”

(*Sir C. Russell.*) I should really ask for a justification of this before you read it.

(*The Attorney-General.*) Very well.

“Roche was bound to the peace for six months for speech he made about Mr. Lewis.”

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

"Woodford, 21st Jan. 1887. (No notes taken; meeting held within doors.)
 "Meeting of members of committee of Tenants' Defence Association in League
 "Hall.—General outline of speeches: Supposed for boycotting purposes.
 "Outrages that followed, and their date: Notice posted on B. R. servants' door
 "threatening her if she did not leave the employment of the Police."

"Woodford, 13 Feb. 1887. (No notes taken.) Speeches: William O'Brien,
 "M.P., D. Sheehy, M.P., Michael Davitt. General outline of speeches: Relative
 "to dispute between Lord Clanricarde and his tenants. Outrages that followed,
 "and their date: Telegraph wire cut short distance outside Woodford."

"Ballinakill, 6th March 1887. Sergt. P. Murphy took notes. Speeches:
 "Martin Egan, Lawrence Egan. General outline of speeches: Resolution
 "passed calling on Sir Henry Burke's servants to leave his employment.
 "Outrages that followed and their date: Threatening notices calling on people
 "not to cut turf for Sir H. Burke, and to boycott Marblehill. Servants called
 "upon to leave."

"Whitegate, 4 April 1887. Constables Judge and McCarthy took notes.
 "Speeches: D. Sheehy, M.P., Father Hogan. General outline of speeches:
 "Relative to dispute between Mrs. Blake, Mulick, and Dr. Sampson, Borrisakane,
 "and their tenants. (Speeches at this meeting were of a rather mild type).
 "Outrages that followed, and their date. No outrage followed."

"Woodford, 15 October 1887. Midnight meeting. No notes taken, except
 "a few by J. D. Murphy. Speakers: William O'Brien, M.P., — Gill, M.P.,
 "D. Sheehy, M.P., — Rowland, M.P., — Cox, M.P., — Blunt, J. Roche.
 "General outline of speeches: W. O'Brien, in his speech, urged the tenants to
 "resist eviction. Outrages that followed, and their date: Sheriff resisted at
 "evictions at Rostullas, near Woodford, 20th Oct. 1887; telegraph wire cut
 "between Woodford and Portumna."

"Abbey, 21 Oct. 1887. Constable Owen Smyth and James McVicker.
 "Speaker: D. Sheehy, M.P. General outline of speech: Warning the tenants to
 "offer resistance to sheriff at evictions on Mrs. Lewis's estate."

"Woodford, 16th Dec. 1887. No notes taken: meeting held in League Hall.
 "Speakers: (names cannot be given). General outline of speeches. Meeting
 "held for boycotting purposes. Outrages that followed and their date. Shot fired
 "into house of John Burke, Cappa, and windows broken in houses of parties who
 "acted as beaters for Sir H. Burke when he had a party of gentlemen shooting
 "near Woodford, 16th December 1887. Date of outrage: 18th December 1887."

"Cloncoe, 20th March 1888. No notes taken. Meeting held in Father
 "Coen's yard. Speakers: John Roche, Francis Tully, Father Coen. General
 "outline of speeches: Condemning Thomas Canning, tenant on Lord Clanricarde's
 "property, who had on that to act as caretaker on his holding. Outrages that
 "followed, and their date: on 14th April 1888, a revolver shot was fired into the
 "house of a small farmer, named Pat Glynn, for borrowing a horse from Thomas
 "Canning, whose action was condemned at meeting."

9870. You were not at Maylough, I think. Maylough was not your district?—I do not remember the name.

9871. Is that in your district?—No, it is a district of its own.

(The Attorney-General.) You will find that is in the next paper. This witness does not speak to it.

9872. Loughrea is not your district?—No.

(The President.) Will you let us have other copies of this?

(The Attorney-General.) I will, my Lord.

(Sir C. Russell.) Will it be convenient for you now to justify your evidence?

(The Attorney-General.) I cannot do it at the present moment. My friend says, he desires me to do it. I will undertake to do it by repeated reference in "Parnellism and Crime" to the inciting to resistance to payment of rent, and I know in one instance the "plan of campaign" is specifically referred to.

(Sir C. Russell.) My proposition is that there has not been by the Defendants in the course of the proceedings in *O'Donnell v. Walter and another* any charge or allegation founded upon or relating to the plan of campaign.

(The Attorney-General.) I do not want, of course, to justify everything I have said. I will refer to many instances. I happen to have one.

14 Nov. 1888.]

THOMAS MURPHY.

[Continued.]

(Sir C. Russell.) Are you going to complete it or not?

(The Attorney-General.) I am going to answer you. I am allowed at any rate sometimes to make an observation. I am not going to give more at present, but I will refer to page 228 from the leading article of 18th April, which I read. It was stated there was no reference to it direct or indirect.

(Sir C. Russell.) I repeat what I say, that there is no charge or allegation made in the course of the proceedings in the action entitled *O'Donnell v. Walter* founded upon or relating to the plan of campaign.

(The Attorney-General.) Well, we will see.

"Finally, as the 'Irish World' shows, the proceedings which led up to the Chicago Convention, and at which the plan of campaign was hatched, brought together, both in a secret conclave and on a public platform, Ford and Egan, Mr. Redmond and Mr. Deasy, Brennan, Davitt, and Mr. O'Brien, Sullivan, Kerwin, Feely, and Devoy of the Clan-na-Gael murder-club, and Finnerty, described by Mr. Parnell himself as a dynamiter."

(The President.) That is one of the articles.

(The Attorney-General.) Yes.

(The President.) I suppose the point taken is you did not refer to that article in your speech.

(The Attorney-General.) I did read it. I read it at length in my speech. There is a great deal more.

(Sir C. Russell.) Then will you exhaust it?

(The Attorney-General.) It is beyond all reason. I have done my best.

(Sir C. Russell.) Then until the contrary is shown I affirm, so far as we can examine, that this is the sole reference to the plan of campaign. Of course, we are asserting it to the best of our belief.

(The Attorney-General.) In terms it may be, but I assert that there are a large number of references.

(The President.) Will you allow me to suggest that I think it would be better that this should stand over, and that you should collect the references.

(Sir C. Russell.) That is what I was suggesting.

(The President.) And collect the passages. It will save time. Of course, I need not say it is not necessary the word "plan of campaign" should be mentioned, if the thing itself is mentioned.

Cross-examined by Sir C. RUSSELL.

9873. I think you have said, Inspector, that you were at Kildare before the 11th August 1886?—I was there early in 1880.

9874. And you continued there, did you, up to the time that you were moved to Galway?—I remained there all the time, excepting I might be a while on temporary duty absent.

9875. Whereabouts were you stationed?—In Newbridge.

9876. Is it the fact that there were altogether some 37 or 40 branches of the National League in Kildare?—I could not tell you.

9877. The exact number you would not know?—No; I would not know. I had no means of knowing.

9878. You know, probably, that John Connellan was the secretary of the branch which was existing at Newbridge where your head-quarters were?—I believe so, from recollection. I knew him well.

9879. A decent man?—Oh, indeed, I never had anything against him at all.

9880. You did not know the exact number, but you knew there was a considerable number in Kildare?—Yes.

9881. Who was the president of the Newbridge branch?—I believe it was Father Coen; I was informed so.

9882. I think Kildare is not very far from Newbridge. About 5 miles, is not it?—Kildare?

9883. The town.—The town of Kildare, I misunderstood you.

9884. You are quite right, I was asking about Newbridge. Now, how far is Kildare, the town, from Newbridge?—I think it is about 5 miles, between 4 and 5.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

9885. Dr. Kavanagh was, I think, the president of that branch?—I think he was.

9886. Was Woodford your head-quarters, or what was your head-quarters?—It is the head-quarters of my district.

9887. Where did you, yourself, live?—In Woodford, in the village.

9888. Is John Roche a man of some position in Woodford?—He is a farmer and miller.

9889. Is he a man, for a town of that kind, of some standing?—Yes, for a town of that class, he is.

9890. What was Keary?—Another man of the same position also.

9891. Are there any more respectable men in the town of Woodford than those two men?—There are no men in a better position, I daresay, not many in a better position.

9892. Your first experience of the Clanricarde evictions was, I think you said, on the 27th August 1886?—No, on the 18th or 19th they began. The first time was the taking of Saunders Fort on the 27th.

9893. They began on the 18th or 19th?—Yes. It was the 19th, I believe.

9894. At first you had nothing but police?—Precisely.

9895. And finally you had how many soldiers?—Well, speaking from recollection I think—

9896. 700?—No, I think it was 200.

9897. I am told 700. I do not know?—I do not think it was more than 200.

9898. And how many constabulary?—I think the constabulary strength was increased also. It was up to 300 or more, perhaps 400 or 500. I am not sure without referring to documents what the number was.

9899. And 200 soldiery, you think?—I believe so. About that.

9900. Will you just give us the names, please, of the tenants at whose evictions you were yourself present? Fahy was one?—I will begin with the first: Conroy, in Kyle-namelly; a man named Fahy, in Dowras, the second; a man named Brodrick in the same townland was the third; and then Saunders.

9901. Those are all that you were personally present at?—That is all at that time.

9902. I am speaking of 1886?—On Lord Clanricarde's property.

9903. I wish to ask you about this. You know a good deal about this. Were some of the Clanricarde evictions what were called evictions on the title?—I think the most of them were, if not the whole of them.

9904. I wish to explain to the Court what that means. The landlord would sue for his arrears of rent and get judgment?—I think so.

9905. In the superior courts, and then under his *fi. fa.* he would call an auction to sell the tenant's interest?—Yes, I believe that was the way.

9906. Nobody would bid, and then he would buy the interest for a nominal sum?—Yes.

9907. Then having bought by purchase from the sheriff for a nominal sum, he would proceed to evict on the title?—Yes. I do not swear positively to these cases.

9908. No, but many of them were of that kind?—I think the most of them were of that kind.

9909. The result of that course of proceeding on the title would be that the tenants would have no claim whatever in respect of any improvements in their holdings?—I could not swear.

9910. And they would have no six months for re-instatement or redemption?—No, I believe not.

9911. Now in every case, so far as you know, were not the ejectments in the superior court?—I cannot positively swear, but my belief is that they were. It is only a matter of belief with me.

9912. I will ask you this, to point what I mean: I cannot put my hand on the name of it for the moment, but in one of the cases was the rent for which the ejectment was being put in force 12*l.* and the costs 18*l.*?—I could not tell you that without referring to documents which I have not here.

9913. Have you any documents to refer to?—I have not them here.

9914. I am not sure I have given you the exact figure?—If I knew the name I might give it you.

9915. I will try and give it you?—I think that was Brodrick's rent.

9916. I think it was Brodrick's case?—Speaking from recollection, I think it was Brodrick's.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

9917. I will tell you what will fix it, perhaps. Did your own men, moved by what appeared to be the hardship of the case themselves subscribe to try and make up the costs?—I do not know what they were moved by.

9918. You will not tell us the motive in that case?—No.

9919. Perhaps it was not reported to you by the constabulary. I will drop out what they were moved by; but did they, in fact, themselves, make a subscription to try and make up this poor wretched man's costs?—I was informed they were anxious to do so.

9920. And the agent had no authority to settle it?—I do not think that was the cause that the police did not subscribe.

9921. What was the cause?—It is against the regulations.

9922. You have known instances more than that of the policemen and the soldiers subscribing?—I have not known any instance.

9923. But this?—No.

9924. This is the only instance you have known of?—That is the only instance.

9925. Did you know that the officers in charge of the men offered themselves to subscribe?—Weil, I offered to subscribe a pound myself.

9926. What moved you? What was your motive?—I would prefer it to having an eviction in my district.

9927. Your experience has told you that evictions are a great cause of trouble and disturbance?—Certainly. I had no knowledge of the man's circumstances; therefore, I could not be influenced by it.

9928. They are the principal cause of trouble and disturbance. That is so, is not it?—Well, they are a good cause of it, certainly.

9929. Or a bad cause, perhaps?—A great cause.

9930. That is what you mean. I want to ask you a little more. Did it come to your knowledge that before any disturbance at all took place at Woodford that the tenants had petitioned, and their bishop signed the petition, asking for a reduction in the rents?—No, I had no knowledge of it.

9931. And that Lord Clanricarde did not even answer or acknowledge the petition?—I have no knowledge of it.

9932. Have you not heard that?—I have heard that he did not answer a letter of the Bishop of Portumna.

9933. As the bishop has been referred to, is that Dr. Healy?—Yes.

9934. Dr. Healy was not supposed to be a very great friend of the Land League, was he?—I do not know. I know he did not take a prominent part in it.

9935. Did you know who was the agent at that time?—Yes.

9936. Who?—Mr. Joyce.

9937. (Mr. Justice A. L. Smith.) Of Lord Clanricarde?—Yes.

9938. Not Mr. Blake?—Mr. Joyce. It was in 1886.

(Sir C. Russell.) In consequence of the chronological order observed that has come out of order. I am talking of 1886, your Lordship sees.

9939. Did you learn that Mr. Joyce, the new agent, advised that a reduction was called for?—No, I knew nothing about it at the time.

9940. I am not talking about it at the time. Of course you would not know it the moment it took place, but did you hear that was what he decided and advised?—No, I did not, except what I saw in the papers at the trial, the action he took against them. That is all I knew about it.

9941. You knew it in that way?—That is all I knew about it.

9942. I want to get a little now. Did you not see something more in the papers?—Oh, I may have seen it, I daresay; I read a good deal.

9943. Did you see in the papers the correspondence between Sir Michael Hicks-Beach and Lord Clanricarde?—I did.

9944. Did you not learn from that correspondence, apart from the trial—

(Sir H. James.) I really do not wish to interrupt. Do you think the correspondence appearing in some newspaper, without any proof of its be authentic, is sufficient?

(Sir C. Russell.) There is no doubt it is authentic.

(Sir H. James.) But you ask the witness, in cross-examination, "Have you seen a thing in the newspaper?"

(Sir C. Russell.) A good number of offences have been, I will not say thrown at our heads, but a catalogue of crime has been read out by my learned friend with certain

14 Nov. 1888.

JAMES MURPHY.

[Continued.]

motives connected with it, which says that all this was owing to certain meetings held and certain speeches made and various motives attributed. It is important for us to show what are the other disturbing causes.

(*The President.*) Quite so. The only question is in what way it is to be brought to our minds. I quite follow the questions of this kind which you have put to other witnesses, also as suggesting, of course, that there were other causes than the Land League and the National League.

(*Sir C. Russell.*) Surely I am entitled to ask him. This is a matter really which upon other grounds I should be entitled to treat as evidence. It is a public and notorious fact whether he did not know that Sir Michael Hicks-Beach remonstrated with Lord Clanricarde against the contemplated wholesale evictions.

(*Witness.*) In a general way I may have gathered that. I do not distinctly remember what I read.

3945. What I was pressing upon you at that time was this—

(*The President.*) What was Sir Michael Hicks-Beach's position at that time?

(*Sir C. Russell.*) He was Chief Secretary for Ireland.

(*The President.*) I should think if there was any such published correspondence it would be a matter of sufficient notoriety to make it proper for us to receive it.

(*Sir C. Russell.*) Yes, there is no doubt at all about its being published.

(*Sir H. James.*) I am sure, my Lord, we should not object if your Lordship thinks it right to listen to that fact; but the point is the advantage of asking the witness, "You know a certain fact," without bringing before your Lordship what was the real fact.

(*The President.*) Yes, I have led up to that. I have taken it, as I said before, up to this time as suggestions which are common in cross-examination of the line which is going to be taken. When that has been followed up as it has in this case sufficiently to indicate it, I do not think we should hear it further.

(*Sir C. Russell.*) I do not wish to carry it beyond this. There is no doubt about the genuineness of this at all.

(*The President.*) Quite so. That will be legitimate evidence.

(*Sir C. Russell.*) Yes, I do not propose to follow it up any more than by asking this question.

9946. Do you know that the reductions that the tenants on the Clanricarde estate asked were less in fact than the reductions the Land Commissioners were at the time making in that neighbourhood?—I am not aware. I cannot swear to that.

9947. Well, without swearing to the particular figure, do you know generally that that was so; that they were making large reductions at that time in the court?—No, I cannot swear to that. Whatever demand the tenants had made I believe they made it before I went to the district.

9948. Were you examined at all when the Cowper Commission was sitting?—No.

9949. Do you know the Commission to which I refer?—No, I had no knowledge of it except what may have appeared in the press, and I do not remember much about it. I paid no attention to it whatever.

9950. Here you are charged with a large district as a police inspector. Do you mean to say you did not know the Cowper Commission was sitting to inquire into the state of Irish tenants?—I read about it in the papers; that is all I know.

9951. That is what I am asking you. Did you know whether Mr. Joyce, Lord Clanricarde's then agent, was called before the Cowper Commission?—I do not know it as a fact. I do not remember ever having read it. I may have read it, and very likely did, but I cannot call it to memory at present.

9952. Lord Clanricarde has a great demesne and house, has he not, at Portumna?—He has.

9953. How many hundred acres?—I could not say; it is not in my district.

9954. Have you, or anybody else to your knowledge, in that neighbourhood, ever seen Lord Clanricarde in connexion with this property?—I never saw him.

9955. Did he subscribe to the relief of the people in distress to your knowledge?—I have no knowledge of it.

9956. Or are you aware, from the knowledge you have gained since you were there, or what has been reported to you by your constables, that he has ever helped any local object?—No.

9957. Or any local employment?—No, I have no knowledge of it.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

9958. Were you present at the Clanricarde trial in Dublin?—No, I was not.
9959. Joyce and Clanricarde?—No, I was not.
9960. The action brought for libel by Joyce?—I remember it. I was not there.
9961. Then I will not refer to it or to Mr. Atkinson's description of it. In reference to this return you have produced here, did you prepare this as it is?—Yes.
9962. Is it sent in print in this way to the authorities, or was this printed for the purposes of this case?—I sent the return to the county inspector. I do not know anything more about it.
9963. What I want to know is this. Take that in your hand. My friend is good enough to tell me this in this particular form is printed for the purpose of this case. Take that in your hand and tell me in what form was your return made to the authorities?—That is the exact form as well as I can remember. That is the exact form.
9964. Will you try and remember?—That is the exact form in which it was made. That is the form in which I sent it in.
9965. Did you send in nothing else but that?—A list of the meetings.
9966. That is there also. Did you send in nothing else but that?—Nothing more that I remember.
9967. Let me ask you to look at this return. This is Bell's return. Was it not in that form you made the return?—Certainly not.
9968. It was not?—No.
9969. Do you say that you, in making your return to the authorities, stated the motive?—I did.
9970. And headed it so?—Yes.
9971. "Motive." I will take the first case after putting one general question. In this list you exclude altogether any crime or outrage as being the result of private malice?—I think so. I do not know that there were many, but I think so.
9972. But you do, in fact, exclude them. You attribute all these to agrarian causes without exception?—Yes, I think so. I think they are all attributed to that.
9973. I will take the first case. "Pat Mannion; windows maliciously broken in dwelling house"?—Yes.
9974. Did he make a claim for compensation?—No.
9975. You went to see him?—I did.
9976. Let me see what kind of conversation took place between you. Did you call him Pat?—I do not remember.
9977. He told you the windows were broken?—Yes.
9978. "Well," you said, "who did it?" I suppose?—Yes, I tried to find out who did it.
9979. He replied, "Begorra, I do not know"?—Very likely he did.
9980. "Begorra, I do not know," and you said, "Well, is there anybody has a spite against you?" and he says, "I do not know." That is so, is not it?—I may have said so.
9981. Did you then go on to say, "Maybe you paid your rent"?—I do not know. I may have talked to him about it.
9982. And then you said "Perhaps that was the reason"?—I do not know.
9983. And he said "Well, maybe it was"?—I cannot remember what he said at this time.
9984. Is that the style of conversation?—Well, it might be. I will not swear that it was.
9985. No, but that was the style of it?—I remember he was very reticent about the matter altogether.
9986. Well, that makes a greater difficulty. He was reticent about the matter?—Yes, so was O'Brien.
9987. I am struck with one of these, Pat Mitchell. You went and saw Pat Mitchell, did not you?—I did not see that notice. As well as I remember, that notice was not produced to the police.
9988. Did you go and see him?—I think I did. I think I saw him. I am not really sure. I remember going down to the house.
9989. What did you ask of Mitchell?—I do not remember that I asked him anything. I suspected the motive myself.

14 Nov. 1888.

JAMES MURPHY.

[Continued.]

9990. That throws a little light upon it?—From the head-constable's information too.

9991. Who is the head constable?—Head constable Reynolds.

9992. Then am I to take it these motives you put down are not the motives attributed by the persons upon whom the outrages were committed?—Very often they would not attribute a motive at all.

9993. Quite so. Very often they would not attribute a motive at all and did not attribute a motive?—The motives were generally given to me by the sergeants—the local police.

9994. Quite out of his own head?—He had better grounds than that from his local knowledge.

9995. Your experience was that in the majority at least of the cases, the people themselves alleged no motive?—In a great majority of cases they were reluctant to assign an agrarian motive.

9996. And in fact assigned no motive?—They do not in very many cases. They are reluctant to do so. That is my experience.

9997. And accordingly yourself, or your constable, applying your own observation to the state of the case, set down a motive?—Yes. We are guided by the circumstances of the case, and by the local knowledge of the sergeant in charge of the district.

9998. I am rather anxious just to test that by one instance. Pat Glynn, do you recollect what his case was?—I do well.

9999. Revolver shot fired through window?—Yes.

10,000. Did you ask Pat about the motive for that?—I did.

10,001. What did Pat say?—He believed that to be the motive himself.

10,002. What?—Borrowing a horse from a man named Canning.

10,003. Did Pat tell you that the only motive he could assign for anybody firing a shot through his kitchen window was that he had for his own convenience borrowed a horse from a man suspected of having paid his rent? Now is that really what you say Pat told you?—I am satisfied now that that was his impression.

10,004. I am asking you, inspector, a plain question. Do you say Pat told you that, that he was fired at because he, for his own convenience, had taken the loan of a horse from a man who was suspected of paying his rent?—The man was obnoxious—very obnoxious in the neighbourhood from whom he borrowed the horse.

10,005. It was no good to the man to borrow his horse. It was good to the man who borrowed it, I suppose?—Well, I dare say.

10,006. Who was this man?—I would not care to mention his name.

10,007. Why?—He is not very popular yet.

10,008. Do you know whether he had paid his rent?—Well, my belief is that he had not.

10,009. Now the complication is increased. The motive for firing through his window was that Pat borrowed a horse from a man who had not paid his rent.

(*The President.*) But was suspected?—No. You must understand—

10,010. (*Sir C. Russell.*) That had not paid, but was suspected to have paid his rent?—Will you allow me to explain?

10,011. Yes?—The sheriff came to evict this man, who was obnoxious, and he allowed him in as a caretaker. The inference then was drawn that he had settled with Mr. Taylor, Lord Clanricarde's agent.

10,012. Then he was a Clanricarde tenant, was he?—Yes.

10,013. Have you stated all the premises upon which you arrived at the motive that it was for borrowing a horse from a man suspected of having paid his rent, but who had not, you believed, paid his rent?—Yes.

10,014. You have. And I suppose if I were to go through a good many of the other cases it would be very much the same kind of thing, would not it?—There is always some motive of an agrarian nature.

10,015. Always some agrarian motive?—In those cases there is generally something of an agrarian nature.

10,016. You do find agrarian causes are the causes of crime in Ireland. There is no doubt of that, I think?—They are the greatest number in my district.

10,017. There is one class of case I should ask you about, and I should like to challenge the statement, so that if it can be proved, we shall have further evidence about it from my learned friends. You have got here bracketed together on the first

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

page four people, Ann Moran, Christy Duffy, John Durwen, (Peter) and John Durwen (Hugh). One is the son of Peter, and the other is the son of Hugh, I suppose?—No, I think not, there are so many Durwens named in that way, it is difficult to distinguish them from one another.

10,018. And Thomas Durwen, five people?—Yes.

10,019. And you put opposite these “refusing to join the Land League”?—Yes.

10,020. I ask you to think before you answer the question I am going to put to you. Did you see yourself, Ann Moran?—I saw her sons. I do not think I saw her, herself. I do not remember.

10,021. And she did not tell you she refused to join the League. It was the sons. The objection was to her sons.

10,022. There is no reference to the sons in it at all, refusing to join the National League. Then this is not correct in that respect?—So far as she was concerned I do not believe she was expected to join the League.

10,023. Then when I see that Ann Moran had her hag thrown down because she refused to join the National League, it was because her sons refused?—Yes.

10,024. I will ask you, did you see her sons?—I did.

10,025. Did they say that they had refused to join the National League?—I do not remember that they did.

10,026. I take the next, Christopher Duffy, “Oats thrown down,” did you see him?—I did.

10,027. Did he say he had refused to join the National League?—I do not remember that he did.

10,028. The next is John Durwen (Peter), “Oats maliciously thrown down.” Did you see him?—Yes.

10,029. Did he say he had refused to join the National League?—I do not remember, it was the local sergeant that gave—

10,030. We will come to the local sergeant in a minute, you saw him yourself?—I did. I saw him with regard to all the parties.

10,031. Did he say he refused to join the National League?—I do not remember that he did. I have no recollection now.

10,032. “John Durwen, hay thrown down, refusing to join the National League”?—I am sure I saw him.

10,033. Did he say he refused to join the National League?—I do not think it.

10,034. Do you think he did not?—It was possible he may, I have no recollection of the conversation.

10,035. “Thomas Durwen, hay maliciously thrown down, refusing to join the National League.” Did you see him?—I am sure I did.

10,036. Did he tell you he refused to join the National League?—No, I do not remember.

10,037. Then in any one of those cases, on any statement made by any one of them to you, were you justified in putting that down as the motive?—I would be, I am sure.

10,038. On what statement?—I cannot remember what passed between us, but I am sure I gathered from their conversation their motive, some of them, and others, as I have already stated, I got from the opinion of the local police.

10,039. I must distinguish between the two. Will you undertake, Mr. Inspector, to swear that any one of those, in any form of words, suggested to you that they had refused to join the National League?—I do not know. I do not remember.

10,040. You will not swear?—No, I will not swear positively.

10,041. Now, you know you threw me back on to same serjeant, serjeant who?—Serjeant Murphy in this case.

10,042. A namesake of yours?—Yes.

10,043. Is he here?—He is.

10,044. Then we shall hear what he says. Do you say that Serjeant Murphy told you that anyone of these men had refused to join the National League?—Yes, I took that from him.

10,045. You took that from him?—Yes, I remember he did.

10,046. I want to ask you one general question, and just consider and see that you understand it before you answer it. Has there in your district been one single instance of a charge of intimidation for refusing to join the National League?—I do not remember that I had any case of the sort.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

10,047. I will put it to you further. Will you swear that anyone, and if so, give me name and date and person, has ever complained to you that they have been intimidated with a view to join the National League?—I do not remember, people have complained to me, indeed, about the state of things, but I do not know of any particular thing.

10,048. Complained to you of the state of things?—Yes.

(*Sir C. Russell.*) That is very likely.

Cross-examined by Mr. MICHAEL DAVITT.

10,049. You have spoken of your knowledge of a branch of the National League in Kildare before you went to Galway?—Yes, we had one in New Bridge.

10,050. Do you remember branches of the Land League in Kildare in 1880?—There was a branch in New Bridge, I believe.

10,051. And doubtless branches in other parts of the county of Kildare?—Yes.

10,052. Did you attend any Land League meetings in Kildare?—I did attend some meetings.

10,053. Was I present at any of them?—No, I never was at a meeting at which you spoke.

10,054. You heard speeches at those meetings in Kildare?—I was aware, but I was not at the meeting that you attended, that you attended a meeting at the Curragh once.

10,055. You are quite right?—I think it was in December.

10,056. You heard speeches made at other Land League meetings?—Yes, I mean public meetings, not meetings of the New Bridge branch.

10,057. You attended public meetings of the Land League?—Yes.

10,058. And you heard speeches at those meetings?—Yes.

10,059. About how many meetings did you attend?—I was at a meeting at Athy, and there was a meeting at Mountstrevan, and I was at a meeting in Kildare. I think that is nearly about the whole.

10,060. Do you remember attending any evictions in Kildare?—No, I have no recollection. Oh, I was once, the eviction was not carried out, I think.

10,061. Then you have no recollection of an actual eviction being carried out in Kildare in your time?—No.

10,062. Have you any recollection of any agrarian outrage in Kildare in your time?—Yes, there was one in my district.

10,063. One?—Yes.

10,064. Any other?—Well, I think there may have been a few burnings.

10,065. How many years would your recollection of these outrages cover?—It might cover, perhaps, up from 1880. I went in April to Kildare, and it might cover up to 1885.

10,066. Did you send official reports to your superiors of these outrages?—Oh, certainly.

10,067. They were only a small number, you say?—They were not a very large number in New Bridge. I did not go outside of that.

10,068. Were they of a serious character?—There was one very serious; a man's dwelling-house was burned.

10,069. Was that the only serious one?—Well, I think it was, as well as I can remember. It was the most serious of the lot.

10,070. What kind of a house was it?—It was a substantial dwelling-house, thatched.

10,071. In the town of New Bridge?—No, about $2\frac{1}{2}$ miles at a place called Conna

10,072. Do you know if it was insured?—I do not believe it was.

10,073. You give a record in this paper of my having attended a meeting in Woodford on the 13th May 1887?—I would like to make a remark about that.

10,074. But answer me. You put it down in that record?—It was returned to me by the serjeant in charge of the station. I was informed that you were in the town, but I was not near enough to identify you. That is what I wanted to remark.

10,075. Did you send anyone to take a report of my speech?—I did not, because Mr. William O'Brien had addressed a meeting before that, and I had only a serjeant

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

and two men, and as the meetings got very many, I sent to the barracks, and I could not send anyone down to where you were speaking.

10,076. Have you seen any report of my speech?—I do not remember.

10,077. Have you tendered any report in here?—No, I have not.

10,078. Is there any official record at all of it?—Not to my knowledge.

Re-examined by Sir HENRY JAMES.

10,079. I understand you were in Kildare from 1880 to 1886, and then you came to Galway;—Yes.

10,080. How many years before that, if any, had you been connected with the Constabulary?—About 12.

10,081. My friend has asked you as to the cause of crime that you found during your experience apart from these agrarian crimes. In your experience have you found the people peaceful, or in the habit of committing outrages on each other?—No, I found them peaceful.

10,082. They were not in the habit of injuring each other's property or attacking each other?—No, I am not aware of it.

10,083. In 1886 you found the state of things in existence in Galway that you have mentioned?—Yes.

10,084. In answer to Sir Charles Russell when he asked you if people complained to you of intimidation your answer was, "People have complained to me of the state of things." What was the complaint they made to you?

(*Mr. Reid.*) I venture to think that does not arise. Complaints made in regard to intimidation for not joining the National League was the specific question. The witness negatived that such complaints had been made, but proceeded to refer to other complaints that he received. I submit my learned friend is not entitled to ask that.

(*The President.*) You must show that the complaints did not relate to something entirely unconnected with this matter.

(*Sir Henry James.*) That is so.

10,085. First of all, state generally, without going into detail, of what character were the complaints, about what sort of state of things?—They complained of what I will almost call the coercion of the League. They did not mention the League, but they complained that they were very much hampered in their actions by the state of things that then existed.

10,086. Those complaints would be made to you, I suppose, during the years 1886 and 1887?—I think I was not very long there when two complaints were made to me by two people.

10,087. Then the outrages that you have spoken to, which you investigated, would they have taken place and been investigated after these complaints were made to you?—Some of them.

10,088. When you went to see the people who had been the subject of the outrages, would they speak freely to you?—I found it very hard to get information from them in general at all.

10,089. Did you ever find from them what was the cause of their difficulty?—I understood it. They would be very reticent in telling me.

10,090. My question is, did you understand from them the cause of that reticence?—I did.

10,091. What was it they told you?—They were apprehensive.

10,092. Of what?—On account of the state of things that existed in the neighbourhood.

10,093. You have had two instances put to you, one was this man Pat. Glynn, and the other was Mrs. Moran. I understood you first received reports from your sub-officer giving the motives you have set out in that report?—Yes.

10,094. Then you went, you saw these people?—Yes.

10,095. And had a conversation with them?—Yes.

10,096. Did you in any instance learn from them anything that caused you to think the report made to you was incorrect?—Oh, no, I did not.

14 Nov. 1888.]

JAMES MURPHY.

[Continued.]

10,097. They may have been reticent, but you never had any reason to think that the report was incorrect. Is that so?—Yes.

10,098. You know nothing of the state of things prior to 1886 in Woodford?—Oh, no, nothing.

(*The President.*) Is it a short witness you have to call?

(*Mr. Murphy.*) It is not very long, but I do not think we can finish it to-day.

(*The President.*) We shall not be able to sit to-morrow.

(*Mr. Lockwood.*) On Friday?

(*The President.*) On Friday.

Adjourned till Friday at 10.30.

Mr. Davitt

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT No. 1,
Friday, 16th November 1888.

PATERICK KEAVENEY sworn, examined by Mr. MURPHY.

- 10,099. Are you a farmer living at Esker in the county of Galway?—Yes.
- 10,100. What part of the county of Galway is that in, west, or north, or where?—It is in the north.
- 10,101. North-west?—Yes.
- 10,102. In 1886 did you take a grass farm at Cloonimda?—Yes.
- 10,103. Was it vacant at the time?—Yes.
- 10,104. What had become of the previous tenant?—He sold his title in that farm to the landlord, I believe.
- 10,105. And then went abroad, went to America, I suppose?—No.
- 10,106. Where did he go?—He lived on his own farm.
- 10,107. How far off was that?—About half a mile away from the farm he had.
- 10,108. Did you then take the farm from the landlord?—Yes, that is 12 months after.
- 10,109. I thought it was sooner. I think you had to pay 150*l.* for the interest of the tenant who had gone away and paid 100*l.* on account?—Yes, to the landlord.
- 10,110. This was 12 months after the other man had gone?—Yes.
- 10,111. Had it been vacant during that 12 months?—Yes, it was on the landlord's hands.
- 10,112. And, up to this time that you took this farm, upon what terms were you with your neighbours?—In a friendly way.
- 10,113. How long had you lived in the neighbourhood?—Since I was born.
- 10,114. After you took the farm did you find any alteration in the conduct of the people towards you?—Yes, I saw that they got strange to me.
- 10,115. After a time did two men, Pat Glynn and Pat Rafferty, call upon you?—Yes, one Sunday.
- 10,116. Were they, to your knowledge, connected with the branch of the Land League in that district?—I believe so.
- (*Sir C. Russell.*) Does he know?
- (*Mr. Murphy.*) I think you will find that he has personal knowledge, but I shall prove it in a moment.
- 10,117. In consequence of what they said to you, did you go before the Land League branch?—Yes.
- 10,118. What was the branch?—Glenmaddy branch.
- 10,119. Was the Rev. Mr. Welsh president of the branch?—Yes, so I believe.
- (*Sir C. Russell.*) What was the name of the branch?
- (*The Witness.*) Glenmaddy branch.
- 10,120. (*Mr. Murphy.*) And the secretary, do you remember who he was?—Yes, I do.
- 10,121. What was his name?—One Mitchell, I think.
- 10,122. Were there other members of the League present on the day you went before the branch?—Yes.
- 10,123. Now, when you went there, tell us what occurred?—I said that if I knew it was anything against the rules of the Land League to take the farm, that I would have nothing at all to do with it, and that I would surrender the place, if they wished, if I got the money back that I paid for it; and I was told to get the money back from the landlord.

16 Nov. 1888.]

PATERICK KEAVENEY.

[Continued.]

10,124. Who told you that?—I could not distinctly swear which of them told me that.

10,125. Cannot you say which of them told you that, the secretary, or president, or who told you that?—It was some member of the committee.

10,126. What did you say to that?—I said that I would write to the landlord; and if he refused to refund the money what would become of me; and I was told that I should fight my own battle, something similar to that was said to me.

10,127. At the time this was said to you was the Rev. Mr. Welsh there?—Yes.

10,128. And the secretary?—Yes, the whole of them.

10,129. What else took place?—Nothing else then until the 13th May.

(*Sir C. Russell.*) 1886?

10,130. (*Mr. Murphy.*) 1886.—On the 18th May there was a band of about 30 in number assembled on my farm in Cloonimda, and drove my cattle on the public road. I was sent for when that happened, and when I arrived I sent for the police at Cloonimda, and when the police arrived I attempted to put the cattle back on the farm in the presence of the serjeant and one of his men, and the men who turned out the cattle stopped in the gaps and prevented me putting them back. Then I had to put them into another man's farm.

10,131. You say people assembled there and prevented you putting them back, had they anything in their hands?—Sticks. I had to put them on to another man's land for a time.

10,132. Could you get them into your farm?—I could not get them into my farm for a time.

10,133. Can you give me the names of any of the people taking part in it?—Yes, I can.

10,134. Do you recollect the names of any of them who had been there the day you were before the League?—The committee men, do you mean?

10,135. Yes.—I know the whole of them.

10,136. Were any of them there that day?—Not one of them.

10,137. Then you had to put your cattle on another farm?—Yes.

10,138. What happened then?—I prosecuted the men.

10,139. When you put your cattle on to another farm did anything happen to them early in the morning?—Yes. I came back again early in the morning, about 2 o'clock, with my brother, in order to have them put back in my own farm before the neighbours were up.

10,140. You got them back to your own farm?—No, because there were three men in the road, and as soon as we were seen coming along, the three men began to whistle, and in a few minutes about 30 people came back again.

10,141. Then was it you that put them on some other farm?—Yes, I had to put them back on another man's land.

10,142. Was there anything done with your farm since it was left vacant in this way?—There was nothing further done until the 3rd June, and on the 3rd June those parties that drove my cattle away put on their own cattle, and broke down the fences, and put their cattle on 20 acres. I enclosed and kept them there from the 3rd June until the 23rd July, until I was assisted again by a body of police.

10,143. Were you boycotted again this time?—I could not exactly say I was boycotted, because I had not been refused any time, but I made it my business to get things, small matters.

10,144. Why did you do that?—For thinking I might be refused, still I was not refused.

10,145. Was anything refused you in that way?—Yes.

10,146. Where were you in the habit of getting your horse shod?—I was in the habit of getting my horse shod at the next village, and the smith told me to get a few extra shoes on for a little time, as well as I could. He did not altogether refuse me, but it was the same.

10,147. He gave you a slight hint?—Yes.

10,148. In consequence of that, where did you send your horses?—I sent them to a distance then ever since.

10,149. How far?—About 10 to 15 miles.

16 Nov. 1888.]

PATERICK KEAVENEY.

[Continued.]

10,150. Now, I think you prosecuted some of the men who put their cattle on your farm?—Yes.

10,151. Now, on the morning that the cattle were taken off your land, that is the morning they were turned off, about 2 in the morning, did you see the treasurer of the League anywhere?—No, not that morning I did not.

10,152. Did you on any other morning?—I did, but it was about a mile or so away from the place. I could not say where his business was.

10,153. Had he any business that you knew of in the place?—His landlord was living on the place, I met him on my farm, and I was thinking he might be at the landlord's house, he may have been.

10,154. You did not see him go to the landlord?—No.

10,155. Did you see anything done to your cattle that morning that you saw him?—Yes, on that morning they were turned out.

10,156. What was his name?—Martin Reilly.

10,157. You think he may have been going to the landlord's place, but you did not see him?—Yes.

10,158. Was that the morning your cattle were turned out?—Yes, but I had nothing.

Cross-examined by Sir C. RUSSELL.

10,159. Had you any reason to suppose he was not going to the landlord?—No reason whatever.

10,160. Were any of the people you saw on the 30th of May trespassing on your land whom you prosecuted, had you seen any of them at the National League meeting which you attended?—No, not one of them that I could say.

10,161. You had not?—No.

10,162. What was the name of the tenant who had previously been in possession of this grass farm?—Malachi Keaveney, a friend of my own.

10,163. Kavanagh or Keaveney?—Keaveney, a friend of mine.

10,164. How do you know that the landlord paid him out?—Because I heard the landlord swear at the Galway Assises that he gave 110*l.* to buy him out.

10,165. You gave 150*l.*?—Yes.

10,166. Do you recollect whether the landlord said he had given that, to Malachi Keaveney before or after Malachi was evicted?—Malachi was not evicted at all.

10,167. He was not?—No.

10,168. You are sure?—Quite sure.

10,169. What was the rent you were paying?—4*l.*

10,170. What was the rent that Malachi paid?—I could not exactly say.

10,171. Did Malachi want a reduction of his rent?—No.

10,172. Did he tell you that?—He did not tell me that, but he has been a great friend of mine ever since.

10,173. Do you know one way or the other whether he did?—I have reason to believe that he never asked for a reduction. What I heard about him was, he had sold it to a cousin of his provided his landlord would be satisfied with the lease of it; and what I heard about it then was, that he wrote to the landlord and said he had sold it to his friend, provided he would be satisfied, and the landlord turned about and said he had agreed for the very money that he had given for it.

10,174. He wanted to sell his interest in the holding to somebody else?—Yes.

10,175. Who was the somebody else?—A first cousin of his own.

10,176. What was his name?—John Keaveney.

10,177. Is he a decent farmer?—Yes.

10,178. And a responsible tenant?—Yes.

10,179. Who was the landlord?—William Alexander, sub-sheriff of Sligo.

10,180. Then for some reason William Alexander did not want the cousin for tenant?—He thought he would make more money of the farm, that is what I believe, by paying the sum that the cousin had agreed to pay.

10,181. That is to say, he would get from you or somebody else 150*l.* or more?—Yes.

16 Nov. 1888.]

PATERICK KEAVENEY.

[Continued.]

10,182. Did your friend Malachi Keaveney complain he had not been allowed to sell his interest?—No.

10,183. To his cousin?—No, he did not because the landlord gave him the very money he had agreed to pay to him.

10,184. Did he complain that he had not been allowed to sell it to his cousin?—No, I did not hear that.

10,185. Now these men who trespassed on your land on the 30th May, how many were prosecuted?—Eight, seven men and a woman.

10,186. What was the sentence?—Six months.

10,187. With hard labour?—Yes

10,188. Did the woman get six months?—No, she was let off on her own recognisances.

10,189. Who were the men who got the six months?—Roger Kerann, Michael Rafferty, John Mannion, sen., John Mannion (Pat), Michael Keaveney.

10,190. Were these sons of farmers in the neighbourhood?—They were farmers living up by the farm.

10,191. Neighbours of the farm?—Yes.

10,192. Were they farmers or sons of farmers?—Farmers themselves; one or two of them sons of farmers.

10,193. You mentioned one of these men as being of the name of Keaveney, one of the men that were prosecuted?—Yes, Michael Keaveney.

10,194. Was he any relation to the man who wanted to get the land?—No, but his father was the herd for him.

10,195. Were you a member of the League?—Well, the tenant was always the member, and my mother used to pay a subscription towards the League. My father was not alive.

10,196. Your mother was the tenant?—Yes.

Re-examined by Mr. MURPHY.

10,197. Do you know any reason why the landlord should not have 150*l.*, if it was the value of the farm?—No.

10,198. Give me the names, please, again of the men you prosecuted?—Roger Kerann, Michael Rafferty, John Mannion —

10,199. John Mannion?—Yes, Pat. John Mannion, sen., Thomas Kelly, Michael Keaveney.

10,200. Were there any of the Mannions members of the committee of the League? —Any of them Mannions?

10,201. Yes.—Not one.

10,202. Are there any Mannions members of the League committee?—I do not understand you.

10,203. Is John Mannion?—John Mannion, no, he is not a member, but there are men of his name members of the League.

10,204. And were there on the day that you went before the League?—Yes.

10,205. Was the fact of your going before the League known in the country?—Yes.

10,206. Talked about?—Yes.

VISCOUNTESS MOUNTMORRES sworn, examined by Sir HENRY JAMES.

10,207. I believe you are the widow of the late Lord Mountmorres?—Yes.

10,208. Did you in the year 1864 become the resident at the place called Ebor Hall? —Yes.

10,209. Near Cong?—Yes.

10,210. In the county of Galway?—Yes.

10,211. I believe the estate was some 350 Irish acres?—Yes, I think it was.

10,212. That would be about 500, in round numbers, English?—Yes.

10,213. Your husband, I believe, was the principal occupier of the land himself?—Yes.

10,214. But there were some tenants, I believe, on the land; about 11 tenants?—Yes, there were.

16 Nov. 1888.]

VISCOUNTESS MOUNTMORRES.

[Continued.]

10,215. Now I believe you do not fix dates exactly, but you recollect some meeting being held in your neighbourhood about 1879?—I cannot fix the date.

10,216. But do you recollect some meeting being held first?—I do.

10,217. Up to that time what relations had existed between your husband and the tenants?—The most friendly.

10,218. Had there been any dispute of any kind at all that you know of?—I do not think so at all.

(*Sir C. Russell.*) What time are you fixing?

10,219. (*Sir Henry James.*) I will give you the exact date directly. I think I can give you one date. On the 11th July 1880 did your husband obtain an ejectment order against a tenant of the name of Patriek Sweeney?—Yes.

10,220. About how long before that time, taking that date as July 1880, had there been any change of relation between your husband and his tenants?—A short time before that.

10,221. Was that before or after these meetings were held on which you have spoken?—After these meetings.

10,222. After the change, what did you observe different to what had occurred before?—The men ceased to touch their hats, and they were disrespectful in their manner.

10,223. Were there any obstacles put in the road, or anything of that kind?—Yes, frequently obstacles were put in the road.

10,224. What kind?—There was one time a sort of wall built across the road, and just room for the horse to go through and upset the car.

10,225. I believe your husband was a magistrate, and did he attend the sessions?—Yes, frequently.

10,226. Have you been to the sessions at all when you have seen anything in the crowd that attracted your attention?—Yes, on one occasion the people looked so threateningly at him that I was afraid.

10,227. Where was he?—At Maam.

10,228. How far is that from Ebor?—I think about nine miles.

10,229. I do not know whether you know it, but I believe it is the 25th September 1880, there was a meeting at Clonbar?—Yes.

10,230. How far is Clonbar from Ebor?—About an Irish mile and a half, I think.

10,231. I do not take this from this lady, but it shall be proved, Clonbar is a mile and a half from Ebor?—I think so, about that.

10,232. I believe in August 1880 you went to Scotland to see your brother?—Yes.

10,233. About consulting with him?—Yes.

10,234. I believe Lord Mountmorres thought it more prudent to remain at home and protect the house, and did?—Yes.

10,235. On the 26th September 1880, I believe, you had a communication by telegraph which caused you to return?—Yes.

10,236. I will ask you as little detail as possible. On arrival home you found your husband had been shot?—Yes.

10,237. There were several shots, I believe, found in the body?—Yes.

10,238. Were you present at the funeral?—No, I was not.

10,239. Do you know anything as to whether the men would put the coffin in the hearse or not?—They refused.

10,240. (*Sir C. Russell.*) Was Lady Mountmorres there?

(*Sir H. James.*) There were others present.

(*Witness.*) I was there.

10,241. Did you see that fact?—I did not see it, but my brothers told me.

10,242. Were you in the house at the time?—I was in the house.

10,243. Were your brothers present?—Yes, they were.

10,244. Do not tell me what; but did they make some statement to you at the time?—Yes, they did.

10,245. What was the name of your brother?—Colonel Broadrick.

10,246. I believe you remained at Ebor?—Yes, some three weeks.

10,247. After your husband's funeral?—Yes.

16 Nov. 1888.]

VISCOUNTESS MOUNTMORRES.

[Continued.]

10,248. I believe you had to go ; you went to the steamer at Conn to go away ?—Yes.

10,249. How were you treated on your road to the steamer after your husband's murder ?—The people hooted and laughed at us. There were some people passing in a cart, and they hooted and laughed, so that I had to draw down the blinds.

10,250. Were you with your children at the time ?—Yes, I was.

10,251. Do you know anything of what happened to your little boy on the lawn in the front of the house ?—A stone was thrown at him when we allowed him to go out on the lawn.

10,252. Was that after your husband's death or before ?—After.

10,253. How old was your little boy ?—Eight years old.

(*Sir C. Russell.*) Did she see it ?

10,254. (*Sir H. James.*) How do you know this, did you see it ?—He told me.

10,255. We have proof of it. That is a little boy about eight years old ?—Yes.

10,256. I believe in August 1879, you were under police protection, you and your husband Lord Mountmorres ?—Yes.

10,257. What should you say as to you husband's 'popularity with the tenants up to the time of this meeting ?—He was extremely popular, not only with the tenants but with the whole country.

10,258. He would have had no cause for anything like police protection until after the meeting ?—No, certainly not.

10,259. Up to the time of this meeting do you recollect your husband ever being asked to make any reduction in rent, up to the time of the meeting taking place ?—No, I do not ever recollect that.

10,260. Up to that time had you always been treated with courtsey and kindness by the people ?—Oh, quite so.

10,261. Were you at any time pelted with stones when you were in your carriage ?—Yes, I have had stones thrown at my pony carriage, and also the children's ponies when we were out.

10,262. Speak first for yourself, when was it you had stones first thrown at you ?—I cannot remember the exact date.

10,263. Would it be before or after the meeting and the police protection ?—After.

10,264. After which ?—After the police protection.

10,265. That would be after August ?—Yes.

10,266. We know you left in the month of October 1880 ?—Yes.

10,267. So it would be between August 1879 and October 1880 ?—Yes.

10,268. Now after 1880, could you keep the men servants in your house ?—No, we were not allowed.

10,269. Did the servants you had leave you ?—Yes, they all left one after another.

10,270. Did they give you reasons for leaving ?—No, they gave me no reasons for leaving.

(*Sir C. Russell.*) I object.

(*Sir H. James.*) I submit I am entitled to ask this. The servants at the time of leaving gave a reason for leaving, and I ask your Lordships whether that is not evidence.

(*Sir C. Russell.*) I do not trouble about it.

(*The President.*) We have no doubt about it.

10,271. (*Sir H. James.*) You had three men servants left you in the year 1880 ?—Yes.

10,272. What reason was given by the first who left why he left ?—The first gave the reason that stones were thrown at him when he went to the post, and he was afraid.

10,273. The next one, I believe, went to America ?—He ran away one Sunday. No one knew when he was leaving except myself and my husband.

10,274. Did he give you a reason for going ?—Yes, he did.

10,275. What was it ?—He said he was so afraid he could not stay, he was so threatened.

10,276. Then, I believe, the only person in the place of those, you were able to get, was a retired sergeant from Dublin ?—Yes.

16 Nov. 1888.]

VISCOUNTESS MOUNTMORRES.

[Continued.]

10,277. Did he stay with you about seven weeks?—Yes, he did.

10,278. Did he leave and give you a reason for leaving?—Yes, he gave the reason why he must leave, because he was afraid. He gave notice in a week. He stayed just three days after that and left.

10,279. I believe he left you on the 15th August 1880?—Yes, he did.

Cross-examined by Sir C. RUSSELL.

10,280. I will trouble you as little as I can, Lady Mountmorries. Your late husband's property was not considerable?—No.

10,281. How many tenants?—I think, eleven.

10,282. Representing a total rental of about how much?—About 50*l*.

10,283. Small holdings?—Yes.

10,284. In the mountains?—Yes.

10,285. Were you living at Ebor Hall during the whole of 1878?—I think so. Yes.

10,286. Just try and recollect?—Yes, I think so. I think we lived there.

10,287. The whole of 1878?—Yes.

10,288. The whole of 1879?—No—yes, in 1879, too.

10,289. The whole of 1878, and the whole of 1879?—I am not quite sure. We often went to England, but I think I was at home.

10,290. Substantially, at all events, both those years?—Yes; I think so, as far as I know.

10,291. And the whole of 1880 up to the month of August?—Yes.

10,292. When you went to England, and then returned on this sad occasion?—Yes.

10,293. The petty sessions court which your husband attended as magistrate was at Mahon?—Yes.

10,294. You have spoken of an occasion when, attending the sessions at Maam, you observed what appeared to you the threatening demeanour of the crowd?—Yes.

10,295. Had that anything to do at all with any question of landlord and tenant, so far as you know?—That I do not know. I did not inquire what had gone on at the court.

10,296. But, so far as you know, had it anything to do with the question of landlord and tenant at all?—I do not know.

10,297. I say as far as you know?

10,298. When do you say the first meeting to which you attribute any change in the demeanour of your neighbours towards you took place?—That I do not know; I do not know the dates of them.

10,299. I must put it to you to be good enough to try and recollect. Did any meeting that you can specify take place in 1879, to which you attribute any change in the demeanour of the people?—I do not remember the date, but I remember a meeting at Clonbur quite recently where the demeanour was quite threatening. I do not remember exactly the date, but it was since this meeting took place. I went through Clonbur, and the people were extremely disrespectful.

10,300. It is very important if you can kindly fix the date?—I cannot fix the date.

10,301. First of all, will you tell my Lords where the meetings you say were held?—There were various meetings held.

10,302. Tell me any?—There was a meeting at Oughterard.

10,303. When?—I cannot tell the date.

10,304. How far is Oughterard from Clonbur?—A long distance. I should think 30 miles round by the road.

10,305. Is there any other meeting besides the one at Oughterard to which you can make reference?—I heard of several.

10,306. Where?—I heard of one at Clonbur.

10,307. When?—I do not remember the date, it was in 1879, I do not remember the date.

10,308. Will you say it was in 1879?—It was since the meetings began.

10,309. That, I am afraid, is too vague. I really want it so that we can follow it up afterwards. You have suggested one at Oughterard, 30 miles off?—Yes.

16 Nov. 1888.]

VISCOUNTESS MOUNTMORRES.

[Continued.]

10,310. And you are not able to speak when that was?—No.

10,311. Can you mention any other meeting to which you attribute this change in the demeanour of the people?—What I noticed was at the petty sessions; the people were so very threatening in their demeanour.

10,312. Had you heard of complaints, rightly or wrongly, of your husband's action as a magistrate?—Never.

10,313. Had you heard of any disputes in reference to his interfering with rights of way which the people in the neighbourhood were claiming?—No. I never heard of any disputes. I have not heard him spoken against in that way.

10,314. Do you know that he had disputes about rights of way?—As a magistrate he had to.

10,315. I mean rights of way claimed by the people over his own property?—I cannot recall that. It must have been something very slight, because I do not remember anything about it.

10,316. Was there not a dispute by which he sought, as it was alleged, to stop up an ancient pathway which the people had across a portion of his own property from the mountain?—It must have been a very small dispute, because I heard nothing about it.

10,317. You have never heard anything like I am suggesting to you now?—No. I never heard anything about it.

10,318. But your observations of the change of the demeanour of the people, as I understand, was when you accompanied your husband to the petty sessions at Maam?—Yes.

10,319. I must ask you, please, Lady Mountmorres, you have not told us, but is it not a fact that Lord Mountmorres received threatening notices?—Yes.

10,320. Was that before any meetings were held to which you have made reference?—The chief threatening notice was after the meeting. I used to hear that there were meetings held, and it was in consequence of these meetings that the first threatening notice was sent.

10,321. Of course you are not strictly entitled to argue in that way, but you are strictly entitled to answer in that way. Do you affirm clearly in your mind that the threatening notice was after the meeting?—I do not remember when the meetings were, but it was since the meetings began.

10,322. Will you tell me what meetings?—I cannot tell you that.

10,323. Will you tell me where the meeting was?—I cannot tell you any dates. I used to hear of them at Clonbur and at Oughterard. I frequently heard of them. The dates I cannot tell you.

10,324. Clonbur is close to you?—A mile and a half, I think, about.

10,325. Will you undertake to say there was a meeting at Clonbur before your husband received a threatening notice or notices?—I will not undertake to say that, because I do not quite remember.

10,326. Will you undertake to say that there was the meeting at Oughterard, 30 miles off, before you got the threatening notices?—I do not know the dates, so I cannot say.

10,327. Then I must put it to you, will you undertake to say that there was any meeting held in or near the neighbourhood of your place before you got the threatening notices?—I heard frequently of meetings all round.

10,328. I am asking you of any meetings that you would describe as being in your own neighbourhood. The only one you have definitely mentioned is Oughterard 30 miles off?—I can say no more, except until these meetings happened the relations of Lord Mountmorres with everyone were most friendly.

10,329. I must press you again, Lady Mountmorres. I do not wish to do it at all unduly, but can you specify any meeting, and if so where held, before your husband received threatening notices. Tell me the place even?—No, I was not told those kind of things.

10,330. Then you are not able to tell me where any meeting was held to which you attribute the changed attitude of the people?—[*The witness here fainted.*]

(*Sir H. James.*) My friend has intimated to me that he does not desire to ask Lady Mountmorres anything more, and as I can get what I want from other witnesses, there is no reason why I should re-examine.

16 Nov. 1888.

MATTHEW RUDDEN.

[Continued.]

MATTHEW RUDDEN sworn, examined by Sir HENRY JAMES.

10,331. Are you a head constable in the Irish Constabulary?—Head constable, sir.

10,332. Were you at any time stationed near Cong, in Galway, if so, tell me when?
—I went to be stationed at Clonbur about the beginning of September 1879.

10,333. Where were you stationed in September 1879, do you say?—In Clonbur, in county Galway.

10,334. I presume you know Ebor Hall, where Lord Mountmorres lived?—Yes.

10,335. How far is that from Clonbur?—It will be, I daresay, about two miles, two short miles.

10,336. You say you were stationed there first in September 1879. Do you know when the Land League was established at Clonbur?—I know in October 1879, it was established at that time.

10,337. Had you been stationed in different parts of Galway, before you went to Clonbur?—Yes.

10,338. After the establishment of the Land League at Clonbur, what should you say became the state of your district?—Well, it became more disturbed soon after.

10,339. In what way do you say it became more disturbed; what did you notice?—We had some threatening notices, and parties threatened for working for a landlord in the locality, and a house fired into.

10,340. Who was the landlord of whom you speak?—He was a Mr. Lynch, of Peterswell Castle.

10,341. How far would that be from Ebor?—It would be three miles; it was a mile from Clonbur, in the opposite direction from Ebor Hall.

10,342. That will bring it about three miles?—About three miles from Ebor Hall.

10,343. What happened to him?—Well, his workmen left him, and his house was fired into by night.

10,344. I believe you saw the shots yourself?—I saw the bullet hole in the door, and I saw the marks there on the wall opposite the door.

10,345. The mark of the bullet?—Yes.

10,346. Was that a workman or a tenant?—He was a small tenant, a man who used to do tailoring business, and he was on friendly terms with Mr. Lynch.

10,347. What was the name of this man?—His name was George Hopkins.

10,348. Did other tenants on Mr. Lynch's estate make complaints to you as being the constable there?—Yes.

10,349. What did they complain of?—They complained.

(Sir C. Russell.) I object to this.

(The President.) This very question will be found in the books, and if necessary it can be referred to.

(Sir C. Russell.) I wish to make it clear what the objection is. If it goes no further than this that complaint was made, I do not object.

(The President.) The very point has arisen. We have paid great attention to the authorities upon this point that complaints which are made to constables may be given in evidence, that is a fact that they are the proper persons to make complaints to.

(Sir C. Russell.) I am not objecting to the fact that complaints were made to the head constable, and if it goes no further than that I do not object. My objection is to the admissibility of the details of the complaints that were made to the constable.

(The President.) The details must be given sufficiently for us to understand what it was about. If they were complaints about a drunken woman that would have nothing to do with it, there must be sufficient statement made to identify it.

(Sir C. Russell.) I respectfully submit that further than stating that there were complaints made, and if your Lordship likes, for the purpose of identifying the subject of complaint, that the details are not evidence.

(The President.) That was always clearly in our minds.

(Sir H. James.) We do not propose to prove details. I only want the nature of the complaint.

10,350. I ask you did the tenants on Mr. Lynch's property make complaints to you?—Yes, a good deal.

10,351. Without going into detail, tell me generally of what did they complain?—Some three or four of them complained to me that they had been visited at night, and

16 Nov. 1888.]

MATTHEW RUDDEN.

[Continued.]

cautioned not to work for Mr. Lynch, or to be telling him what was going on in the locality, that is the substance of what they told me.

10,352. Did you become personally acquainted with Lord Mountmorres?—Yes.

10,353. Do not tell me what he said, but have you ever heard him speaking about the Land League after it was established. Just say yes or no?—Yes, I did.

10,354. Until the Land League was established had you an opportunity of knowing whether Lord Mountmorres was popular with the people or not?—I was not much acquainted with Lord Mountmorres until about the time the Land League was started.

10,355. After this Land League was established, did you notice the manner of the people towards Lord Mountmorres?—As far as I could observe, their manner towards Lord Mountmorres and other landlords was a bit changed.

10,356. We have got the date when Lord Mountmorres was murdered as the 26th of September 1880, to your knowledge had there been Land League meetings held before the 26th October 1880 in the neighbourhood of Ebor Hall?—There was a Land League meeting held near Ballyroan, I saw parties going to it I think on the 5th October 1879.

10,357. How far would that be?—About eight or 10 miles where the meeting was held from Ebor Hall.

10,358. Were any meetings at all held at Clonbur?—There was a meeting held the day after Lord Mountmorres was shot on the 26th—on the 25th I think he was shot.

10,359. I was wrong, he was shot on the 25th, but do you know of your own knowledge between the establishment of the League in August 1879 and September 1880 of any meetings being held besides the one you have mentioned?—There was one held at Kilmaine something about the same distance from Ebor Hall, about two miles, and there was also a meeting held in Gort. I think it would be in July 1880 or thereabouts.

10,360. You have been asked the distances generally there were meetings held in the neighbourhood before the murder?—Yes.

10,361. I believe you saw the body of Lord Mountmorres the morning after the murder?—Yes.

10,362. I do not want to go into details, but I believe there were some six bullet wounds?—There were two bullet wounds under his chest near his stomach; two more in his throat, and one bullet wound in his forehead. I think the bullet was lodged at some place near the eyebrow.

10,363. Was it your duty to try and endeavour to discover the murderer?—Yes. I was employed upon that duty for some time after.

10,364. Could you obtain the slightest information from anyone in that neighbourhood?—Very little indeed.

10,365. Were you watched when you were making your inquiries, were you followed?—Yes.

Cross-examined by Sir C. RUSSELL.

10,366. Where were you stationed before you went to Clonbur?—In different parts of Galway.

10,367. Where?—I was stationed in the town of Galway. I was stationed up at a place called Ardraham.

10,368. Had your services all been in the county of Galway?—No.

10,369. Where?—I was serving in county Mayo, county Down, and also in the depôt at Dublin for some time.

10,370. Were there Land Leagues in other parts where you were?—No, that was before the Land League was ever heard about.

10,371. Since 1879 you have been in Galway, have you?—From 1875, I think.

10,372. Will you tell me, please, forming your judgment from your experience and observation in Clonbur, when you were there, was Lord Mountmorres' unpopularity which you referred to, due to his being a landlord, or in relation to his conduct as a magistrate?—Well, I dare say both.

16 Nov. 1888.]

MATTHEW RUDDEN.

[Continued.]

10,373. To which would you attribute the greatest part of his unpopularity?—Well, I think his unpopularity arose a good deal from this reason, that he made it no secret that he was very much opposed to the Land League, and he often spoke about bringing military to the neighbourhood, to have them there for the purpose of suppressing meetings, and such things as that. I think his unpopularity arose from that.

10,374. I want to put it to you, when do you say there was first held in or about the neighbourhood, within a radius of 10 miles if you like, a Land League meeting?—The first was I think in the beginning of October 1879.

10,375. Where?—I think at a place called Mile Hill outside Ballyroan in county Mayo.

10,376. In October 1879?—Yes.

10,377. And that was the first meeting of any shape or kind in connexion with the Land League that you heard of in that neighbourhood?—Well, I heard of a case of a meeting being held in the village of Clonbur before I went there, but I could not say for a fact.

10,378. Did you know that Lord Mountmorres was under police protection from August of 1879?—Yes, I am aware he was under police protection.

10,379. You became aware that he had been threatened?—Yes, I did.

10,380. At that time, when he was so threatened and so under police protection, so far as you know, is there any ground for suggesting that it had anything to do with him in his character as a landlord?—Well, I think the fact of his being a landlord and a magistrate, both combined—I could not separate the two things.

10,381. Had he done anything—given notice to any of his tenants?—Yes; he had had a dispute with one of his tenants.

10,382. When, please?—Well, some months before he was murdered, sir.

10,383. Is it not a fact that the first thing he did in his character as a landlord was taking ejectment proceedings against Sweeney, which was in July 1880?—Well, I know he had a dispute with Sweeney, that he had an ejectment out against him.

10,384. I am pointing the date to you—July 1880?—July 1880, thereabouts.

10,385. That could have nothing to do with getting police protection in August 1879?—Well, I cannot say it could, sir.

10,386. Do you know any circumstances in his character of landlord which had anything to do with his unpopularity up to July of 1880?—No, sir, I do not.

10,387. I must ask you one question—I will not press it further than putting it to you—have you heard of any other cause assigned for this sad attack on his life than any that has been suggested here to-day?—No, sir, I have not.

Cross-examined by Mr. MICHAEL DAVITT.

10,388. Are you aware that there was an official inquiry into this murder of Lord Mountmorres?—Yes, I am.

10,389. Do you know that Major Wise, the resident magistrate, conducted that inquiry?—I do not know that he did; I never heard he did.

10,390. Were you in Clonbur at the time?—Yes.

10,391. And you are sure that you never heard Major Wise had anything to do with the official inquiry?—No, I never heard Major Wise's name in connexion with that business before.

10,392. Did you ever hear of Major Wise?—I have heard of him often.

10,393. What was he?—A resident magistrate.

10,394. In that locality?—No, not in that locality, at all.

10,395. He was in Castlebar?—Yes.

10,396. How far is that from Clonbur?—About 30 miles. Clonbur is in Galway.

10,397. Who is resident magistrate for the district?—A Mr. Denehey.

10,398. Did he conduct the inquiry?—Yes.

10,399. Was he assisted by the county inspector?—There was a good deal of the police officers present assisting.

10,400. What were the names of the chief officers who conducted the inquiry?—I think Mr. Law and Mr. Gibbons had charge of the inquiry.

10,401. Do you know anything of the nature of the reports that were sent by the officials to Dublin Castle?—No, sir, I do not.

16 Nov. 1888.]

MATTHEW RUDDEN.

[Continued.]

10,402. Nothing?—Nothing whatever.

10,403. You heard always while there that Lord Mountmorres was a kind landlord?—Well, I never heard anything against his character as a landlord, except his connexion with Sweeney.

10,404. Do you know that he presided almost constantly at the petty sessions in the locality?—Yes, at Clonbur, he did.

10,405. Were you aware that he had to punish men frequently for drunkenness and petty offences of that kind?—Well, I will not say there was very much drunkenness in it. Cases of that kind there were.

10,406. Illicit distillery?—No, there was no illicit distillation.

10,407. Never a case of that kind?—No.

10,408. But he had frequently to send men to prison for small offences?—For small offences, the same as any other.

10,409. Did you hear that there was the belief in the locality amongst the people that Lord Mountmorres was in constant communication with Dublin Castle?—Well, he led the people to believe that himself.

10,410. In other words, that he was sending secret information to Dublin Castle?—Well, I am under the impression. I think that he was in communication with it, anyhow.

10,411. Did you ever hear that that had anything to do with his unfortunate murder?—Well, I do not think it made the people more friendly to him, anyhow.

10,412. It made him unpopular in the district?—It may have assisted.

10,413. And his unpopularity was due more to that than to his position as a landlord?—Well, his opposition to the Land League at the time had, I think, more to do with his unpopularity than anything else.

10,414. You said the Land League was established in Clonbur in 1879?—Yes, I think about that time.

10,415. How do you know?—I have seen parties there wearing sashes, and forming a procession to go to the Land League meetings at Ballyroan.

10,416. Land League sashes?—Well, they were scarves or sashes, whichever you may call them.

10,417. Do you think that every man who wears a scarf belongs to the Land League?—I think at that time it was a notorious fact that they did; that is as far as the people have told me.

10,418. What led you to believe that the sash was the badge of the Land League?—The conversation with the people who were leaguers there.

10,419. Was "Land League" printed on the sash?—I do not remember exactly whether it was printed on the sash.

10,420. What time in October was it established in Clonbur?—In 1879, the beginning of October.

10,421. Do you know that the League was not established until the 22nd of October in Dublin?—I do not know, indeed, what time it was there.

10,422. The people told you that they wore sashes because they were members of the League?—Yes, I have been told so.

10,423. Will you tell me anyone who told you that?—I do not think I could exactly.

10,424. You knew the district and the people; you can remember someone who told you that?—At this time I had been a very short time in the locality, I think only about a few weeks.

10,425. Was it due to your ignorance of the locality that you say that the wearing of the sash was the badge of the Land League?—I do not know about that. I mean to say I was but a short time in the locality at the time, and I did not know the names of many people. I conversed with many, but did not know the names of them.

10,426. Are you absolutely certain that the League was established in Clonbur early in October 1879?—I was told so.

10,427. Who told you?—By different parties.

10,428. Can you tell me one party?—I do not think I could tell you one party.

10,429. You, a superior police officer, cannot tell me one party. Are you a Catholic; pardon me for asking the question?—Yes.

10,430. Did you know the priest there?—Yes.

10,431. Who was he?—The Reverend Father Hostey.

16 Nov. 1888.]

MATTHEW RUDDEN.

[Continued.]

10,432. Did you ask him?—I do not know that I did. He did not take much interest in the League. Father Conway was the boss of that, I think.

10,433. Did he tell you when the League was established?—I never asked him.

10,434. Did you ever see a Land League card belonging to anyone from Clonbur early in October 1879?—I have seen Land League cards, but I cannot tell the date.

10,435. Do you remember any placards being put up calling upon the people to attend the Land League meetings in October?—There were placards put up before the meeting at Ballyroan.

10,436. But was it a Land League meeting?—It was called a Land League meeting by the people.

10,437. Was it on the notice?—I could not positively say now. My impression is it was.

10,438. With reference to that meeting, did you attend it?—No.

10,439. Do you know I attended that meeting?—I do not know who attended it exactly.

10,440. But did you hear from any police officer that I spoke at that meeting?—I may have heard it.

10,441. Well, the fact is I did speak at that meeting. Did you hear from any police officer anything I said at that meeting?—I do not recollect that I did.

10,442. Did you hear that I warned people at that meeting against outrages of all kinds in consequence of the affair at Ballyroan?—I do not remember having any exact conversation about it.

10,443. You say here that threatening notices were sent to some landlord in the neighbourhood of Clonbur. Mr. Lynch I think?—No, it was Lord Mountmorres I referred to at that time.

10,444. He said something about threatening notices in connexion with Lynch's tenants?—Mr. Lynch's tenants were threatened. They complained to me of being threatened at night by parties coming to their house.

10,445. They complained to you of being threatened?—Yes.

10,446. Were any complaints ever made to you about the landlords anywhere?—They generally do not come to the police to complain about a landlord.

10,447. They would not come to you about those complaints?—I do not suppose they would.

10,448. You were in Galway before you came to Clonbur?—Yes.

10,449. Did you ever hear of landlords getting threatening notices in 1877, 1878, and 1879?—Not much of it in 1878.

10,450. Did you hear of it?—I do not recollect I did.

10,451. Do not you know as a police officer that they were quite a common occurrence in Ireland?—I do not think any of them had been reported to me.

10,452. You never had any report about threatening notices in Galway?—I think not till 1879 or 1880.

10,453. You are sure of that?—I have no report of any landlords up to that.

10,454. (*Mr. Lockwood.*) There is a question I wish to put with regard to Lynch's tenants you have mentioned. You alluded to threatening notices that were sent to some tenants of Lynch at Pierpoint?—Mr. Lynch at Peterswell Castle, his tenants.

10,455. Yes, that is the man to whom I refer. When was it you say these tenants received threatening notices?—Parties came to their houses at night.

10,456. When was it?—I think it would be in February 1880.

10,457. Have you any record of it?—I have no record here, but I am satisfied that is the month it occurred.

10,458. February 1880?—Yes.

10,459. Tell me the names, please, of the tenants who were the subject of these visits?—One of them was George Hopkins. The other was Lowry. I do not recollect his christian name. There were parties, also, of the name of Burke complained to me.

10,460. Can you give me the christian name in the case of the Burkes?—One of them was William Burke; and I cannot say now exactly, I do not recollect the christian names of the others.

10,461. Have you given me now all the names you remember?—I recollect those three I have given you, Hopkins, Lowry, and Burke.

10,462. Where did these men live?—In a place called Ballynoonah.

16 Nov. 1888.]

MATTHEW RUDDEN.

[Continued.]

10,463. All of them?—Yes.

10,464. You mentioned one tenant, I think, whose place you visited and saw marks of bullets?—Yes.

10,465. What is the name of that man?—George Hopkins.

10,466. The same George Hopkins you gave me before?—Yes.

10,467. You told Mr. Davitt just now that you saw persons in October 1879 with marks upon them—sashes, I think, you alluded to—which indicated to you that they were members of the Land League?—Yes.

10,468. Give me the names of those people?—I cannot, I did not know them at the time. I was only after arriving there about three weeks before that.

10,469. Can you give me the name of any person who you say was associated with the Land League in October 1879 in this district?—I could not give you the names, I did not know scarcely anyone in the place at the time.

10,470. I have some dates here. I want for the moment to compare them to see whether they refer to the period when you were in the district. You would not be there in July 1879?—No.

Cross-examined by Mr. HARRINGTON.

10,471. This man Hopkins you refer to, did he occupy a house belonging to the landlord?—Yes, a house and small farm of land.

10,472. Did he occupy the landlord's residence, do you know?—No, not at that time.

10,473. Was he a gamekeeper?—He was a tailor and a small farmer.

10,474. Was he a gamekeeper?—No, not that I am aware of.

Re-examined by Sir H. JAMES.

10,475. You told Mr. Davitt that you had not heard of threatening notices to landlords prior to 1879?—No.

10,476. How long had you been in Galway before 1879?—I had been there from, I think, about April 1875 until then.

10,477. Until 1879 had you heard of attacks being made upon tenants?—No, I think not.

10,478. On account of payment of rent or any other cause?—No.

10,479. You have also been asked about Lord Mountmorres' action as a magistrate. Do you know yourself that he had been for years a magistrate before 1879?—Yes, I do.

10,480. You also said Lord Mountmorres spoke against the League. Did he speak openly and frequently about the Land League?—He made no secret of his opinions about it. He talked to everyone who talked to him about it. I heard him speak freely enough.

10,481. Was it in connexion with the Land League he spoke about Dublin Castle?—In connexion with the League as far as I could understand.

10,482. You went there in September 1879. Of course you do not know anything of your own knowledge that took place as to the putting forward Land League views before that date?—No, I do not.

10,483. Do newspapers circulate in that district?—Yes, they do.

Sergeant WILLIAM O'CONNOR recalled, examined by Sir H. JAMES.

10,484. Are you a sergeant in the Irish Constabulary?—Yes.

10,485. At the date of the murder of Lord Mountmorres in September 1880, were you stationed at Headford?—I was.

10,486. How far is that from Ebor?—About twelve miles from Clonbur.

10,487. And in the county of Galway?—Yes.

10,488. On the 26th, the day after the murder, were you ordered to Clonbur to attend a Land League meeting there?—Yes.

16 Nov. 1888.

WILLIAM O'CONNOR.

[Continued.]

10,489. That we have heard is about two miles from Ebor?—I should say about a mile or a mile and a half.

10,490. Did a Land League meeting take place in the chapel yard at Clonbur?—It did.

10,491. I believe you were near enough to hear what was said? You were not far from the platform?—I was on the skirts of the crowd, about 20 yards from the platform I should think.

10,492. During that meeting was the name of Lord Mountmorres mentioned?—It was mentioned by some of the crowd.

10,493. What took place?—His name was referred to. It was "Down with Lord Mountmorres;" one of the crowd said. He was shot at the time. Some person on the platform shook his hand like that (*illustrating*) and said, "He has gone now; we will have no more to say to him. None of you would care to be where he is at present." There was no more allusion to him after that.

10,494. Was there any groaning when he was mentioned in the crowd?—Yes, there was groaning, and a man shook his hand.

10,495. Did you know who were attending the meeting, on the platform?—I only knew one who was on it. That was this Scrab Nally.

10,496. But there were others on the platform?—There were some others on it.

10,497. You were not a Clonbur man?—No, I was not.

10,498. After the meeting did you go to see the place where Lord Mountmorres had been murdered?—Yes, I went out a considerable while after the meeting.

10,499. Were there any marks of blood still on the ground?—There were some marks of blood on the ground.

10,500. When you went there, as you approached did you see any men round this spot where the blood was?—Yes. When approaching this place I saw five persons in a circle, shouting round, jumping and shouting. I did not know it was the place of the murder till I went up.

10,501. When you came there and found the blood what were these five men doing?—They were shouting and jumping, going round, dancing like.

10,502. With hands joined?—Hands joined, going round in a circle. They ran away before we got up.

10,503. Was it round the blood of Lord Mountmorres they were so dancing?—It appeared to me it was. There were marks of blood there when I went up.

10,504. At any rate, they had been dancing round with their hands joined?—Yes.

Cross-examined by Sir C. RUSSELL.

10,505. Was this meeting advertised some time before?—It must have been, because we were ordered from Headford to attend it to preserve the peace.

JOHN BIRMINGHAM sworn, examined by Mr. MURPHY.

10,506. Were you a farmer on the estate of Colonel Blake, at Killeenvarra in Galway, in 1881?—Yes.

10,507. On the 7th of Septmteber in that year were you in bed?—I was about that time.

10,508. Did you hear a report of a gun?—I heard the window smashing, and the report of a gun after.

10,509. What time in the morning was that, or during the night?—It was about half-past 12 to the best of my knowledge.

10,510. Did you get up?—I did.

10,511. Did you see some men running away?—I did.

10,512. How many?—Four.

10,513. Did you pick up a bullet that had been fired or appeared to have been fired?—I did.

10,514. Had you given any offence to anybody that you know of before this outrage?—No, I am not aware of it.

10,515. Had you been on good terms with your neighbours?—Yes.

16 Nov. 1888.

JOHN BIRMINGHAM.

[Continued.]

10,516. After that time did you get police protection?—I did. That very day after being shot I went to the police and reported it.

10,517. Did your neighbours work for you after that or not?—No.

10,518. And from that time until 1887 how were you treated by your neighbours?—I was treated badly by them.

10,519. Boycotted or not?—Boycotted.

10,520. On the 15th May 1885 was a considerable portion of your wall knocked down round your farm?—There was.

10,521. On the 16th December 1885 was there a portion of your wall on another farm knocked down?—There was.

10,522. On the 4th April 1886 were the legs of two of your sheep broken?—Yes.

10,523. Where had you to go for provisions?—Galway.

10,524. How far is that from your house?—About 12 miles.

10,525. In February 1886 (I passed that date over, I had forgotten it) was the tail of one of your cows cut off?—Yes.

10,526. Had you a boy of the name of Pat Connolly in your employment?—I had.

10,527. Did he leave you?—He did.

10,528. Did he assign any cause for leaving you?—His father got a threatening notice, he told me, to take him away from me. I heard it.

10,529. From whom?—To take him away from me.

10,530. From whom did he say his father got the threatening notice?—I could not say. He got a threatening notice to take the boy from me.

10,531. Now, I go to November 1886. Had you a herd living at Moy at that time?—I had.

10,532. Did anything happen to his house?—Yes, the house was tumbled.

10,533. Did you see that yourself after it had been done?—I did.

10,534. On the 13th March 1877 did you go to mass at Kinvalla?—I did.

10,535. Did you leave your horse outside?—Yes.

10,536. When you came out did anything happen to your harness?—Yes. The traces were cut.

10,537. Now, with reference to what the cause of all this must have been—were you bailiff to any gentleman in the neighbourhood at the time the first outrage took place?—I was bailiff to Colonel Blake.

10,538. Had there been any evictions on his property?—No, there had not been any evictions except the farm I took. That was an evicted farm.

10,539. How long before you took it had there been an eviction on the farm?—I could not exactly say now.

10,540. Had the farm been vacant for any length of time before you took it?—Well, it had, I think. To the best of my belief it had.

10,541. How long, do you recollect?—About six months or so. I beg your pardon, about 12 months; something about six or 12 months.

10,542. Is there a paper called the "Tuam News," that circulates in your neighbourhood?—There is.

10,543. What is the name of the proprietor of it?—McFelpin, I think.

10,544. John McFelpin, is that the name?—I think so.

10,545. Is he connected with the Land League in your parts?—I do not know, really. I could not say that.

(Mr. Murphy.) I do not know whether my friends can assist me on this part of the case?

(Sir C. Russell.) No, I cannot assist you.

(Mr. Murphy.) If I cannot get assistance I must prove it.

(Sir C. Russell.) What do you wish assistance about?

(Mr. Murphy.) Whether McFelpin, the editor of the "Tuam News," was a member of the Land League.

(Sir C. Russell.) I do not know.

(Mr. Murphy.) I think I shall be able to prove it.

Cross-examined by Sir C. RUSSELL.

10,546. Who was the tenant of the evicted farm?—A man of the name of Flanagan.

16 Nov. 1888.]

JOHN BIRMINGHAM.

[Continued.]

10,547. What was his name besides Flanagan?—Thomas Flanagan. Thomas and Pat Flanagan, I think.

10,548. How long had they lived on the farm?—It was a grass farm.

10,549. How long had they lived on the farm?—Well, I could not say. They had had it a long time; I could not say how many years.

10,550. As long as you recollect?—Yes, I could not say how long they had the farm.

10,551. And had their people before?—I suppose so; I could not say.

10,552. Who was the landlord, Colonel Blake?—Colonel Blake was the landlord when I took it. From Colonel Blake I took it.

10,553. You were the bailiff at this time?—I was the bailiff when I took the land.

10,554. And you are bailiff now, are you?—I am.

10,555. Have you to serve the processes?—No.

10,556. Have not you?—No. I am process server besides, I am process server on the district, myself.

10,557. You are process server besides?—Yes.

10,558. As we understand, a process server is appointed by the assistant barrister?—Yes.

10,559. You are appointed by the barrister?—I am in that locality.

10,560. Who is the barrister?—Mr. Henn.

10,561. And besides that, you are the bailiff to the landlord?—I am the bailiff. I am on a portion of his property; but not on the farm that I took.

10,562. And as bailiff, what are your duties; what have you to do?—To notice them to come in to pay the rents, and things of that sort.

10,563. Give notice to quit, and so on?—No, I never gave notice to quit to any of them, notices to come in and pay rent, and things of that sort.

10,564. You have to serve whatever notices the landlord wants you to serve?—He never asked me to serve any notice of the kind.

10,565. Only notices to come in and pay?—Yes, to come in and pay, as far as I can remember.

10,566. Where did the Flanagans go to?—The father is still in Moy. He lives convenient to the place. He is in a place adjoining Clare, I think.

10,567. He continues to live in your neighbourhood?—Yes, where I have the farm.

10,568. And the other Flanagans, where do they continue to live?—He is about 4 or 5 miles, I think, from the farm living.

10,569. Now I must ask you to tell us straightforwardly; you knew that the Flanagans had a great grudge against you because you took this land?—I could not say whether they had or not.

10,570. You knew they had a great grudge against you, did not you?—I do not know. I could not say.

10,571. It was because of that, was not it, that you were unpopular in the neighbourhood?—I suppose so.

Cross-examined by Mr. HARRINGTON.

10,572. Do you know what was the rent paid by Flanagan for the farm?—It was about 15*l.*, I think; something about 15*l.*, 15*l.* 5*s.*

10,573. For how much rent was he evicted?—I could not say that.

10,574. You do not know how much rent he was evicted for?—No.

10,575. What did you pay when you took possession of the farm?—The same that Flanagan was paying.

10,576. How much was that?—About 15*l.* 5*s.*, I think; something about that.

10,577. Did you pay any arrears?—I had to pay a year's rent for it before I got placed on it.

10,578. Was it you served the writ on Flanagan on which he was evicted?—I think it was I who served the process.

16 Nov. 1888.]

JOHN BIRMINGHAM.

[Continued.]

Re-examined by Mr. MURPHY.

10,579. Is it unusual when a tenant comes into a farm from which another has been evicted for not paying his rent that the new tenant should pay what is due from the old one?—I had to pay a year's rent for it before I got placed on it; about 15*l.* or 15*l.* 5*s.*

10,580. Is that considered an offence in your country since the Land League has been there?—It is.

(*Sir C. Russell.*) “Since the Land League has been there.”

(*Mr. Murphy.*) Since the Land League has been there. That is my question. There is another witness in this case, but unfortunately he cannot be found for the moment. I will take another case.

OWEN MOGAN sworn, examined by Mr. ROMAN.

10,581. Where do you live?—In Carronmadra Moy.

10,582. Where you herding for Mr. Birmingham?—I was.

10,583. In 1887?—Yes.

10,584. You remember one night in June when you were going to bed hearing a shot?—Yes.

10,585. Did you see the state of your door after the shot was fired?—Yes.

10,586. Where did the bullet go?—In through the door.

10,587. Did you hear any voices outside?—I did.

10,588. After that shot was fired into your house did you try to get goods at Ann Mooney's house?—I did.

10,589. Did they give them to you?—I did not get nothing that time then.

10,590. Did you try at Kelly's?—Yes.

10,591. Did you try for provisions at Kelly's?—I do not know that I did.

10,592. Did you know Martin Hickey?—Yes.

10,593. Did you try there?—I did not try there, but a little girl I sent with a message there.

10,594. Did the messenger bring back anything?—No, she said she was refused.

10,595. Do you know a man named Martin Cortiss?—I did.

10,596. Did you try for goods there?—Yes, I did.

10,597. Did you get them?—No, I did not at the present time. I know I would not be refused at Martin Cortiss', but they were afraid I should not get them.

10,598. Were there any letters put upon your house?—In my house, no, there was not.

10,599. Or on the wall?—No, I did not see it.

10,600. Or on the wall?—It was put in the town of Killam.

10,601. Marked about you?—I am not able to read, but I heard that it was put.

10,602. Do you know what the letters were? You do not know the letters, do you?—I do not.

10,603. Now, did you and the family have to go to bed without supper any nights?—We had.

10,604. How many nights?—We went to bed about nine nights without bit or sup.

10,605. Had you the money to pay for the supper?—I had.

10,606. You could not get it?—No, I could not.

10,607. Do you remember the house you were living in when you were herding the farm?—I do, right well.

10,608. Did you see anything happen to the house?—I could not say what happened to it, but I went down there one morning and found the wall of the house tumbled down. That is all I know about it.

10,609. You saw the wall of the house was down?—Yes.

10,610. Did you get police protection?—I reported it to the police.

10,611. Did you get police protection?—Yes.

16 Nov. 1888.]

OWEN MOGAN.

[Continued.]

10,612. Were there other men that were working for Birmingham that left him?—There was.

Cross-examined by Sir C. RUSSELL.

10,613. Was Pat Conolly working—do you know Pat Conolly?—I do not know Pat Conolly. I heard some of the Conollys were working.

10,614. Did Pat Conolly leave him or continue to work for him?—I could not say anything about Pat Conolly.

10,615. Is Pat Conolly working for him still?—I could not say. I do not know nothing about anybody, but all I know is about myself.

10,616. Do you know Pat Conolly?—Yes.

10,617. When did you see him last?—About five weeks when I see him last.

10,618. You saw him when you left Ireland, I suppose?—I have nothing to do with Pat Conolly.

10,619. I only want to know is he working for Birmingham still?—Is he working for Birmingham still.

10,620. Yes?—He is not working now at home.

10,621. When did he leave?—I could not say what time he did.

10,622. Have you a gun?—A gun?

10,623. I am waiting?—H'm.

10,624. Have you a gun?—What is that?

10,625. Have you a gun?—No, sir.

10,626. Had you a gun?—Had I a gun?

10,627. That is my question?—I had not, sir, any such a thing.

10,628. Did you go to Ann Mooney for orders yourself?—I went there once on a time, that is all I went there.

10,629. Do not look so suspiciously at me—when was that?—After they fired that they went there.

10,630. After the firing?—Yes.

10,631. What did you want?—I wanted some tobacco and tea and sugar.

10,632. Had you money to pay for it?—I had.

10,633. Did you offer it?—I did.

10,634. What did she say?—She said that she had not time for a moment.

10,635. And you turned on your heel and went out?—H'm.

10,636. You turned on your heel and went out?—I went out, and I did not go there back again.

10,637. You turned on your heel and went out, and did not go back again?—No, I did not.

10,638. That was Mrs. Mooney's boycotting. You never heard of anybody connected with Kelly?—Kelly?

10,639. That is one of the names that is put to you?—I do not know the man at all.

10,640. Who was the next person you went to for a bit of tobacco and the tea and sugar. Go on. Who did you go to next?—Who did I go to next?

10,641. That is exactly it?—I did not mind it, I did not go back there in any shop then when I was refused at that time.

10,642. Then when you went to Ann Mooney's, and Ann Mooney said she had not time for a bit or for a minute?—Yes.

10,643. Then you walked out and you did not go to any place else?—I did not.

10,644. You said something about sending a little girl?—I sent a little girl for a message to the town.

10,645. When was that, the same day?—No, not at the present time it was not. It was a few days afterwards.

10,646. Where did you send her?—I sent her to the town.

10,647. Did you tell her to go to any particular place?—I did not mention any place to her at all.

10,648. Did she tell you where she had gone?—She did.


10,649. Where?—She told me that she went to Martin Hickey, and that she could not get it.

16 Nov. 1888.]

OWEN MOGAN.

[Continued.]

- 10,650. Did you give the little girl the money?—Yes, I did.
 10,651. What did you want then?—I wanted some bread, and tea, and sugar.
 10,652. And tobacco. Where did you get your tobacco?—I did without tobacco for a week or a fortnight after. I did not care much about tobacco, sir.
 10,653. Did the little girl get the bread?—She did not; she had to come home without it.
 10,654. Did she get it at all that day?—No, she did not.
 10,655. Nowhere?—No.
 10,656. How many bakers are there in Cononamadra?—Only two—three, I beg you pardon.
 10,657. Did she tell you she went to them at all?—She did not tell me any such thing about it.
 10,658. Have you any land?—I have a little, a few acres.
 10,659. How much?—Only a few acres.
 10,660. What time was this that you could not get a bit of tobacco, and tea, and sugar, and afterwards your little girl could not get the bread?—It was 12 months last June.
 10,661. Who was your landlord?—Martin Landon, of Moy.
 10,662. Had you no potatoes in the house?—I had not at that time.
 10,663. Or meal?—Yes.
 10,664. You had meal?—I had nothing at the same time when I was fired, because it was run out.
 10,665. At the same time, you say you were boycotted after you were fired, had you no meal in the house just after?—I had it; at that time I was fired for a few days.
 10,666. You had meal?—Yes.
 10,667. Do you grind your own meal, or do you send it to a mill to be ground?—I had not meal to send.
 10,668. You had not it?—No, sir, I had not.
 10,669. You had meal but not bread, is that it, or not, had you meal or not?—It was when I was fired, I had, sir, for a few days after.
 10,670. You had for a few days after?—Yes.
 10,671. How long was it, you say you went without supper for several days?—I said I should not go there when I would be refused, and could not get it.
 10,672. You say you went without your supper for several nights?—I did, nine nights.
 10,673. When was that?—It was in June I believe.
 10,674. June of last year?—No, not last year.
 10,675. June 1886?—Yes.
 10,676. Do you say you had no meal in the house at that time?—I do.
 10,677. Why did you go to bed supperless?—I had none in the house when I had to go to bed without anything.
 10,678. I just asked you whether you had, and you said you had not?—I had it a few days after and used it all up.


 Cross-examined by Mr. M. DAVITT.

- 10,679. How many years have you been a herd?—Three years next, what time is this.
 10,680. Never mind to a year or two. How many years have you been a herd?—About three years next May.
 10,681. What were you before you became a herd?—A labourer.
 10,682. Did you ever go to bed without supper when you were a labourer?—I never did upon my word, thank God.
 10,683. I am very glad to hear it. What wages did you get when you were a labourer?—Well, that is according, I would get the wages.
 10,684. How much did you get now, per week, when you were a labourer?—Once I asked to get up to 18s. a week, and my bed, and my supper.
 10,685. As a labourer?—Yes.
 10,686. In Galway?—No, but up in Limerick side.

16 Nov. 1888.]

OWEN MOGAN.

[Continued.]

10,687. What man in Limerick gave you 18s. a week as a labourer?—A good many of them about 30 miles from Limerick.

10,688. Tell me who was it employed you at that rate of wages?—It was John Karron and the Collars.

10,689. How long did your employment last at that rate, a week, or all the year round?—Oh, it is a good deal since I was earning that, 20 years.

10,690. Where were you working seven years ago?—Seven years ago?

10,691. Yes.—I used to be working at home, and in Limerick too.

10,692. Were you a native of Limerick?—I used to go out there in the harvest.

10,693. Oh, the high wages continued in the harvest?—Yes.

10,694. What did you get through the winter for a week's labour?—I used to have a little to do for myself when I came home from Limerick.

10,695. Then you had a little land?—Yes.

10,696. You told me you never went to bed without a supper?—Never.

10,697. Did you ever hear of any in Limerick or Galway who went to bed without a supper?—In Galway or Limerick I did not. I did not know anything about it.

10,698. And all the people were very well to do there?—I do not know nothing about it.

10,699. You say you sent a message, on this occasion, for some food for Mrs. Mooney?

(*Sir C. Russell.*) Michael Hickey, I think he said.

10,700. (*Mr. M. Davitt.*) Were you visited by any policeman the day before?—I was.

10,701. He came to sympathise with you?—Yes.

10,702. He did?—Yes.

10,703. Did he tell you to send a messenger to that place for food?—The police?

10,704. Yes.—No, he did not.

10,705. You are sure of that?—I am.

10,706. No one told you to send a message to this particular place?—No one but myself sent the little girl there.

10,707. You are sure the policeman did not tell you to send her to that particular house. Now try and recollect?—If he did, I do not know nothing about it.

10,708. What is his name?—The policeman?

10,709. Yes.—I could not say what his name is.

10,710. Has he visited you more than once. Did he call on you again?—The policeman?

10,711. Yes.—I could not say his name.

10,712. Are you certain you did not know his name. Have you seen him here in London?—In London?

10,713. Yes.—Where are you staying here in London?—Down there at the house.

10,714. At the Hotel Metropolé, where is it you are staying?—I do not know anything about it.

10,715. Now tell me, I do not want to annoy you with many questions. try and recollect the name of the policeman that visited you?—I cannot.

10,716. Have you seen him in London?—No. Sergeant Keogh there.

10,717. Was that the man who visited you?—It was not.

10,718. You cannot recollect the name of the man who visited you?—No.

10,719. Now let that go. Who asked you to come over here and give evidence?—Who asked me to come here?

10,720. Yes.—I could not say it.

10,721. Did you come of your own accord?—I did not; it was the sergeant.

10,722. The sergeant did?—Yes.

10,723. Did anybody else beside the sergeant ask you to come?—Ax me to come, no, but the man who served me.

10,724. Who was he?—I could not say.

10,725. Who were you working for when you were at home?—I was working on the farm when I was served.

10,726. Who was the landlord of the farm?—One Michael Blake.

10,727. Who is the bailiff?—Yes.

10,728. Did Birmingham ask you to come?—Birmingham first.

10,729. Did anyone who served you with a notice ask you to come?—No.

16 Nov. 1888.]

OWEN MOGAN.

[Continued.]

- 10,730. What money did you get?—5*l*.
 10,731. Who gave it you?—The man who served me.
 10,732. Who is it?—I could not say; I do not know the man's name.
 10,733. Does he live in the locality?—Sir.
 10,734. Is he a neighbour?—I do not know nothing about it.
 10,735. Is he a stranger?—He is a stranger. I do not know him.
 10,736. Did you get anything else besides the 5*l*?—That is all I got.
 10,737. Did you get a promise of anything when you returned?—He did not mention it to me.
 10,738. Did he mention it to your wife?—I cannot say.
 10,739. You do not know all your wife's secrets; was any promise made to you, direct or indirect, you would get something more when you went home to Ireland? Look at me—I will.
 10,740. You could not say?—I could not say.
 10,441. But you hope to get something more?—H'm.
 10,742. But you hope to get something more?—I do not care whether I get it or not.

Re-examined by Sir HENRY JAMES.

- 10,743. Tell me, have you dealt with this man, Martin Hickey, before you went there for the bread, or is it a woman, Martha Hickey, or is it her husband who keeps the shop?—It is the little girl I sent there.
 10,744. You went yourself?—Yes.
 10,745. Who did you see in the shop, who was it told you she had not time. What was her name?—In Martin Hickey's shop?
 10,746. Yes, what is the name?—I could not tell you, I was not there myself.
 10,747. Did you never go yourself?—I never did go to Hickey's.
 10,748. When you went to Mooney's, you did see somebody there yourself?—Yes.
 10,749. You went to one shop?—One shop, and I was refused that day, and I did not mind going there again.
 10,750. Had you had goods from that shop before?—What I wanted, that I had money to pay for it.
 10,751. They had always served you before when you wanted goods, and had money to pay for it?—Yes.
 10,752. Had you ever been told before by any person in the shop that he or she had not time to serve you? Had they ever given you such an answer as that before?—Well, if they did I cannot remember it.
 10,753. What was the person doing, I think it is a woman, when she told you she had not time to serve you?—I did not see her doing anything; but she said she wanted to go upstairs, that she could not give it me for a moment.
 10,754. Is it a shop window where goods are put out for sale? Is it a baker's shop?—No.
 10,755. What shop is it?—Mrs. Mooney.
 10,756. What does Mrs. Mooney sell?—That is what she told me.
 10,757. What is there in the shop to sell?—What has she in the shop to sell?
 10,758. Yes.—Tea, and sugar and tobacco.
 10,759. Is this in the window, or on the shelves of the shop? Where is the tobacco, tea, and sugar kept, in the shop?—I could not say. I suppose it is inside the counter it is kept.
 10,760. Then the woman said she wanted to go upstairs, and you could not get it, and did not?—Yes, that is what she said.
 10,761. You have been asked something about what your little girl told you; that is Bridget?—Yes.
 10,762. Now, tell me, when you sent her to get these provisions, when she came back what did she tell you?—She told me that she could not get them.
 10,763. That she could not get it?—No.
 10,764. Did she tell you where she had been to?—She told me where she went, that she had nothing to get.
 10,765. Did she tell you where she went to?—Where she went?
 10,766. Yes.—Where she went that day, at Martin Hickey's she went.

16 Nov. 1888.]

OWEN MOGAN.

[Continued.]

- 10,767. Is he a baker, do you get bread from there?—He is a baker.
 10,768. Had you ever bought from him before?—Yes, often.
 10,769. Often?—Yes.
 10,770. And never been refused till your little girl told you she was refused?—
 Never.
 10,771. You say you did not care about tobacco?—I did not.

JAMES BURKE sworn, examined by Mr. MURPHY.

- 10,772. Do you live at Kinvarra?—Yes.
 10,773. Are you a blacksmith?—Yes.
 10,774. Do you know John Birmingham?—Yes.
 10,775. Had he been, prior to November 1886, in the habit of sending his horses to
 you to be shod?—Yes.
 10,776. In November 1886 did he send cart horses to you to be shod?—Yes.
 10,777. Did you see him?—Yes.
 10,778. Was he boycotted at that time?—Yes, he was.
 10,779. At that time did you notice whether there was any falling off in your
 customers coming to you?—Yes.
 10,780. Did you get a letter at this time?—Before that I got the letter.
 10,781. Before you shod these horses?—Yes.
 10,782. Have you got it with you?—No, sir.
 10,783. To whom did you give it?—I gave it to one of the constabulary, one of the
 police.
 10,784. Give me his name?—Mr. Brogan.
 10,785. After this, when the boycotting was going on, did you go before the League
 at Kinvarra?—Yes.
 10,786. What did you go there for?—I went to look for merey. I was suffering
 from the boycotting.
 10,787. Who were at the meeting when you went there, give me some of the names?
 —There was Dr. Nally there and Mr. Green.
 10,788. Thomas Green?—Yes, and Michael Shaughnessey and Michael Hogan.
 10,789. Any clergyman there?—He was not present the day I went.
 10,790. The clergyman was not there the day you went?—No.
 10,791. What did you say to that?—I said that I was suffering from the boycotting,
 and I hoped I would get merey, and they told me it was not from there I was boycotted.
 It was not from the League.
 10,792. Did you afterwards subscribe to the League?—Yes.
 10,793. And pay money to them?—Yes.
 10,794. Was the boycotting as bad after you paid money to the League or not?—
 The customers returned again, and it was all done away with.
 10,795. Was it at this Kinvarry branch you paid the money?—Yes.
 10,796. You have had no trouble since you paid it?—Well, no.

Cross-examined by Sir C. RUSSELL.

- 10,797. Had you been a Land Leaguer before?—Yes; I joined the League the first
 time it started.
 10,798. Is that as far back as 1880?—Something about that.
 10,799. Have you your membership card?—Well, no, I have not got it now, but I
 got it all the same.
 10,800. You did get it?—Yes, I got it all the same,
 10,801. I suppose you paid whatever subscription it was?—I did.
 10,802. What did you do after; when was this meeting when you went to this place,
 when you saw the persons mentioned; when was that?—It was the meeting of the
 Land League.
 10,803. The meeting when you went to get merey, you said?—Oh, yes. Oh, well, I
 am not exactly sure of it. I kept no account of the date.

16 Nov. 1888.]

OWEN MOGAN.

[Continued.]

10,804. Tell us about what time do you think it was?—I think it was about 12 months.

10,805. Twelve months ago from this?—Yes.

10,806. That would bring you back, you know, to November 1887?—Yes.

10,807. Somewhere about that time?—Something about 12 months ago.

10,808. After you got this letter, you did not go at once; you waited a year before you went?—Sir?

10,809. You have told us you got a letter?—Yes.

10,810. Then you did not go to the League until the next year?—No.

10,811. 12 months after?—Yes.

10,812. Then I understand you to say they told you that it was not the League that was boycotting you?—Yes, they did tell me so.

10,813. Did you believe them?—Well, I did; I did believe them.

10,814. Now, I want to know, what do you say you paid to the League?—I paid one shilling to join the League for the first time.

10,815. What did you pay in November 1887?—I paid one shilling.

10,816. Was that anything more than your ordinary shilling as member of the League?—No, sir, I paid no more.

10,817. You paid no more?—No.

Cross examined by Mr. MICHAEL DAVITT.

10,818. Is there any other blacksmith in Kilvarry than you?—Yes, there is.

10,819. What is his name?—John Macnamara.

10,820. He is friendly with you?—On friendly terms.

10,221. Were you on friendly terms at that time that you were boycotted?—Well, not to say about friendly terms.

10,822. You say it was not the League?—I do positively say it was not the League.

10,823. Have you any suspicion it was any rival in your profession?—I understand it was something like blackguardism.

10,824. There are no blackguards belonging to the League?—I did not know of any.

10,825. You believe the members of the League are decent people?—I understand they are.

10,826. Have you yourself and your rival blacksmith made it up, then?—Yes, we always spoke passing.

10,827. Who was it who asked you to go to the League on the occasion?—Myself and my brother-in-law made up between us I should go there.

10,828. Did the policeman you gave the letter to, advise you?—No.

10,829. You have had no dealings with the policeman?—No.

10,830. (*Sir C. Russell.*) Did you give the letter to the policeman?—I gave it the day I got it.

Re-examined by Sir H. JAMES.

10,831. It was after your talking to your brother-in-law, you thought it right to go to the League and ask for mercy?—Yes.

10,832. You had paid one shilling to the branch of the League in 1880?—Yes.

10,833. Where was that branch of the League you paid to in 1880?—In Kinvarra.

10,834. The same place?—Yes.

10,835. You paid a second shilling in November, 1887?—Yes.

10,836. You have not been troubled since?—No, never.

PATRICK GANNON sworn, examined by Mr. RONAN.

10,837. (*Mr. Ronan.*) My Lord, this man was shot in the jaw in the Crimea, and his articulation is defective in consequence. Do you live on a farm of Mrs. Blake at Renvoyle?—Yes, I do.

10,838. Did you always get on well with Mrs. Blake?—I cannot understand.

16 Nov. 1888.]

PATRICK GANNON.

[Continued.]

10,839. Did you pay rent as well as you could. Did you get on as well with Mrs. Blake as you could.

(*Sir H. James.*) Would your Lordship allow Mr. Beauchamp, who has taken his evidence, to repeat what he says. He can understand him.

(*Sir C. Russell.*) I have no objection. (*Mr. Beauchamp repeated the answers of the witness.*)

10,840. (*Mr. Ronan.*) Did you get on well with Mrs. Blake?—I did.

10,841. Did you pay your rent as well as you could?—Yes, as well as I could.

10,842. You were in the Crimea and you got shot in the jaw?—Yes, I was, and across here through the shoulder and through the arm.

10,843. And you have a pension for that?—I have.

10,844. Do you remember your pension was paid on the 1st April 1881?—I do.

10,845. Do you remember the night of the 8th April 1881?—I believe that was the night.

10,846. Now tell us what happened to yourself on that night?—I was asleep in my bed. My wife heard a noise. She awoke me. I did not stir at the time, and then she stirred me again. She called "cow," and said that one of the cows was loosened; and there was a mare within the house and she was in foal, and we were afeared that the cow would harm the mare, or anything. There used to be hay under the mare's head. The wife went down to the kitchen, and I had got up; and then I shouted when I went to the door of the room, and the wife shouted out that the house was full of men. I had my left hand resting on the jamb of the door. "Full of men," I said. As soon as I spoke the word, my left foot was in the door, and I got out of the bed without anything on me but the shirt, a cotton shirt, and a flannel shirt inside, and a bit of the sleeve was loosened of the cotton shirt. As soon as I spoke the words they took a hold of me, that was, and then I pulled back, and they brought the sleeve with them; and the bed I had slept on was one I had when I came out of the service. I got a bed made of wooden posts, and then it was covered overhead with timber. There was four or five children then in another bed.

(*The President.*) I must say I think it is very natural on his part to wish to give all this, but bring him to the point.

10,847. (*Mr. Ronan.*) What did they do to you?—I made away then, and I went up on the top of the bed, and then they made a great noise and searched all about.

10,848. They pulled you down eventually?—They pulled me down, and they made a great noise and searched about, and handled the chest and all things about, and assembled on the carpet on the floor.

10,849. Did they find you?—They found me overhead on the top of the bed. They were about a quarter of an hour or half an hour looking for me.

10,850. What did they do when they found you?—They drew me down. I could not tell them. I was some way hurt. I never felt then until I got myself down with a blow in the kitchen, and one of the men put his hand on my body and he cried murder, he says.

(*The President.*) I suppose you have got his proof. You know what the point of it is.

(*Mr. Ronan.*) I have been hoping to come to it.

(*The President.*) If you leave every witness to tell his story at full length we shall never finish,

10,851. (*Mr. Ronan.*) What did they do then?—Then I shouted out then. They drew me into the kitchen from the bedroom door.

10,852. What did they do then, did they fire a shot?—They fired a shot *there* (*pointing to his knee*), and they said, one person spoke, and said, "You have paid your rent."

10,853. (*The President.*) That is the whole gist of the evidence?—He said, "You have paid your rent."

Cross-examined by Sir C. RUSSELL.

10,854. Did you suppose they were searching the house for money or for firearms, or for both?—No, firearms.

16 Nov. 1888.]

PATRICK GANNON.

[Continued.]

10,855. Did you suppose that they were searching the house for money or for firearms, or for both?—I do not know whether it was for money, but that is what they told me.

10,856. Did you know any of them?—No, there was no one I knew.

10,857. Were they in any way disguised?—I could not see their faces if they were.

10,858. Were they in any way disguised?—I could not say what sort of men they were.

10,859. Were their faces blackened?—I could not take my oath whether they were black or white, there was no window.

10,860. (*The President.*) Was it dark?—It was as dark as anything, and I could not see.

Cross-examined by Mr. M. DAVITT.

10,861. That was after, not before, you were paid your pension. You got your pension seven days before that, did you not; before this visit?—Yes.

10,862. How much?—5*l.* 14*s.* 2*d.*

10,863. The visit was a few days after you got your pension?—Yes.

Re-examined by Sir HENRY JAMES.

10,864. Did they take any of your money out of the house?—No, they did not; they took nothing; but they said, "You have paid your rent."

(*Sir H. James.*) I may mention that we shall now proceed to prove cases connected with the county of Kerry.

(*Sir C. Russell.*) I hope your Lordships will agree that that is a very inconvenient course, to go into another county without completing the cases in Galway. Surely we are entitled to have the cases in some order.

(*The President.*) Of course, I need scarcely say it would be far more convenient to keep Galway separate altogether.

(*Sir C. Russell.*) How is the human intellect, as I understand it, capable of following, or how are your Lordships capable to follow, any specific connexion between the facts and these other events without some kind of method being observed.

(*The President.*) No doubt it will add very much to the difficulty.

(*Sir H. James.*) It will be impossible to take the course which my friend suggests for this reason. There will be evidence of a general character in connexion, it may be, with other counties. We cannot separate the application of that evidence to this county or that. We are proceeding to prove outrages. When they are proved, that is to say, a certain class of outrages, we shall then proceed with the cases in connexion with it. Perhaps it may be speeches. At present, my friend is not in a position to let me prove the speeches as regards Galway. The circumstances, we allege, will prove applicable not more to Galway than to Kerry; it is the general application, in some instances, that we seek to prove. If it is possible to shorten the inquiry in any way we will do it. We shall prove the different outrages, and then, when we have proved them, we shall seek to prove the application to them, not only in one county but in others.

(*Sir C. Russell.*) May I point out my friend speaks about proving his outrages. There was an allegation made by the Attorney-General in his opening, that in addition to the general considerations which are to be urged, as to which your Lordships are supposed to be asked to draw certain inferences, my friend has again and again reiterated that he will show a special connexion between the acts of the persons incriminated here and the outrages. I do not want to shut out my friends from any general argument they think it worth while to address to your Lordships, but I do not see any reason why, if there is any other evidence in connexion with Galway and in connexion with the outrages proved, that evidence should not be given of those outrages now.

(*The President.*) All we can possibly do would be to let the case stand over until the evidence as to Galway was ready to be given, but we should be wasting time, and though we have expressed our opinion as to the difficulty of the matter, yet when we

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

are assured by counsel that they are endeavouring to shorten the case as much as possible we can do nothing more in the matter.

(*Sir C. Russell.*) All I can do is to enter my protest against this course, and to say that it is highly inconvenient, and will certainly not assist the course of justice.

JOHN CONWAY sworn, examined by Mr. ATKINSON.

10,865. Do you live near Ardfert in the county of Kerry?—Yes.

10,866. Are you a farmer?—Yes.

10,867. Do you hold any bog land from Lord Listowell?—Yes.

10,868. Some time ago was there a dispute about this bog land amongst the people in the district?—We were given the preference from Lord Listowell, he had drained a bog, and we had the preference.

10,869. To take the redeemed bog?—Yes, either cutting or grazing upon it, whichever they chose.

10,870. Did you get any portion of it?—I did.

10,871. When was it that Lord Listowell drained this bog, about how long ago?—I think it is five or six years now.

10,872. Was anything done to you at that time?—No, sir.

10,873. Do you remember some men coming to your house at night?—I do, sir.

10,874. When was that?—About 17th July, three years ago.

(*The President.*) Would you give us the name of the place?

(*Mr. Atkinson.*) Ardfert, in the county of Kerry.

10,875. How far is Ardfert from Tralee?—Five Irish miles, I think.

10,876. About how many came to your house?—About five or six men, I think.

10,877. Did they do anything to you?—One fired at me.

10,878. What did he do to you?—One of them fired at me with a revolver.

10,879. Were you wounded?—Yes.

10,880. Where?—In the right foot, here, sir (*pointing*).

10,881. Were they disguised when they came to your house?—Yes.

10,882. Did any of them say anything to you?—No.

10,883. Did they tell you what they fired at you for?—No, I asked them what brought them. I let them in.

10,883a. Did they say what brought them?—They did not propose any question to me. I let them in—unlocked the door, and let them in.

10,884. Were they disguised in any way?—Yes.

10,885. What disguise had they?—They had some sort of veils on their faces.

10,886. About what time of the night was it?—From 11 to half-past 11 at night.

10,887. When you asked them what brought them, did any of the party give any answer?—Not a word.

10,888. Some short time before that, had you cut some turf on this bog?—Yes.

10,889. Was anything done to the turf?—It was thrown into the very place I cut it out of.

10,890. Into the water, I suppose?—Yes.

10,891. The day after these five men visited you, did any man come to your house?—They did.

10,892. The day after you were shot?—They did.

10,893. Did that man make some communication to you. Do not say what it was for a moment, but did he say something to you?—There was a lot of them came to my house.

10,894. That was the night you were shot; but the day after you were shot, did a gentleman, a reporter of a newspaper, come to you?—Yes. One gentleman came down from Cork to me, he told me so.

10,895. Had you some conversation with him?—Yes; he was asking me all about the place round about.

10,896. In consequence of the conversation you had with him, did you go before a meeting of the Land League?—He prevailed upon me. He asked me to say would I be able to go next Sunday. This was about Tuesday in the week that I was shot.

10,897. And you wanted to go on the following Sunday?—He required me to go on the following Sunday, and I told him I would not be able to go.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

10,898. Did you go the Sunday after that?—I did.

10,899. What branch of the Land League was it that this man asked you to go before?—The National Land League at Abbeydorney.

10,900. Did you ultimately go before the Abbeydorney branch, did you go there?—Yes.

10,901. Was there a meeting?—No sir.

10,902. Was there a committee meeting or a meeting in public or what was it?—They were generally holden once a fortnight.

10,903. And this was one of the fortnightly meetings?—Yes.

10,904. Was it held in the house or in the chapel yard or where?—In the house coming out of the chapel yard.

10,905. Did you go into the house?—I did.

10,906. Were any of the members of the League present?—There were my neighbours.

10,907. Was there a man of the name of John Doolan or James Doolan?—Yes.

10,908. What is he?—He is a farmer.

10,909. What office does he hold in the League?—I think he is the treasurer of the Land League.

10,910. Is there a Dan Doolan?—Yes.

10,911. Was he there also?—He was.

10,912. Where both James and Dan there?—Yes.

10,913. And a man named Edward Nolan?—Yes.

10,914. Was he there?—They are all neighbours of mine.

10,915. Was he there?—Yes.

10,916. Did you know a man named John Connor?—Yes.

10,917. Was he there?—Yes.

10,918. What was he in the League?—I think it was through his hands the money went.

10,919. Did you see there present at this meeting this reporter who had come to you the day after you were shot?—When I was sitting in a chair he could be in the crowd and I did not know him.

10,920. But did you see him there?—No, he told me he would be there. I saw him after I came out of the meeting, in the Chapel Yard.

10,921. How did you go to the meeting?—In a neighbour of mine's car.

10,922. Who was he?—Edward Nolan, a next door neighbour of mine.

10,923. When you went before the League did any of the members there present ask you any questions?—No, sir.

10,924. Did they say anything about the bog?—As I have told you before I asked if I had committed myself. It was only to oblige the reporter. It was, I think, only for his sake I went at all, because he thought I would be charged by the League for the bog.

10,925. Had you ever seen the reporter before?—Never.

10,926. And you say that it was for his sake that you went to the League?—Yes, he prevailed on me to go to the League.

10,927. When you did go to the League what did you do?—I said, of course, if I have committed myself, I came to give satisfaction to the parties of the League.

10,928. If you had committed yourself?—Yes; if they thought there was any objection to cutting the turf. I did not know whether it was for that reason I was shot or not. I could not say what it was for.

10,929. But when you were shot you went to the League to give this explanation?—Yes.

(*The President.*) What he says is, he asked if he had committed himself for cutting the turf, then he did not finish.

10,930. (*Mr. Atkinson.*) You said something more. Will you repeat what you said, and speak a little slowly?—If I thought I had committed myself in cutting the turf, and I went to the League to give them satisfaction.

10,931. Was anything said about whether you would continue to cut the turf or give it up?—There was some person in the League asked me to give up the bog. I was sitting down so low I could not tell you who the man was, or whether it was a man or a boy.

10,932. What answer did you make?—I said I did not care about giving it up. I had not much interest in cutting it. I had plenty of bog without it.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

10,933. But what did you say?—I said I would give it up.

10,934. What did he say to that. Did this member make any reply to that?—He said that that was satisfaction enough.

10,935. Did he say anything about your having been shot?—Not a word. I did not hear it at all.

10,936. You were staying down there. Did they know you had been shot?—I suppose they did, sir.

10,937. And when this man said that that was satisfaction enough, did he make any reference to your having been shot?—No, sir.

10,938. Did he say anything as to your having been punished?—Yes.

10,939. Punished enough?—Yes, he said something like that.

10,940. Repeat what he did say. What did he say about your having been punished?—He said that was satisfaction enough. That is all he said about it.

10,941. Were you a member of the League before that?—Yes, for a small time.

10,942. Did you attend the League meetings?—I did not, sir, since. I did not go to any League since.

10,943. Since the day you were shot did you go to a League at all?—No.

10,944. Did you give up subscribing since you were shot?—I did. I did not subscribe but the one time to the League.

10,945. When you attended the League at the time you did attend, what business did they do at these meetings?—Really I did not see them doing much business.

10,946. And your landlord; what did he do?—With regard to getting score land, poor people getting score land from farmers, getting conacre.

10,947. That you mean was land to put a crop into?—Yes, one year's crop.

10,948. Did these people come to the League?—Yes, the poor people used to come to the League.

10,949. Did they make any application to the League when they came?—Yes.

10,950. What applications would they make?—To such as could give it to them they used to apply for land.

10,951. Apply to whom?—To the farmers.

10,952. At the League meeting?—Yes.

10,953. And was any order made by the League then upon the farmers to give the land?—He was not to give it to him, but any farmer that would oblige the poor man he would give it him.

10,954. But it was to the League the poor man went to get the land?—Yes.

10,955. He would not go to the farmer himself and arrange the matter with the farmer?—Sometimes.

10,956. But on these occasions that you have mentioned, that was the purpose for which they came, was it?—Yes.

10,957. Did you ever hear any discussions at these meetings about any persons being boycotted?—No, sir; not to my knowledge.

10,958. Not when you were present?—No.

Cross-examined by Sir C. RUSSELL.

10,959. Just to clear up the last matter. You say that the League exerted themselves to get score land for the labourers?—Yes.

10,960. Allotments we call them in this country?—Yes.

10,961. And sometimes, you say, the labourers applied to the farmers?—Yes.

10,962. And sometimes they applied to the League to help them?—Yes.

10,963. To get the land?—Yes.

10,964. And what used the League to do. Used they to write to the farmers asking them to give the allotment or what?—The farmers and the labourers used to be there. The poor people used to be there at the League, to apply for the land.

10,965. They used to be there, the poor people and the farmer?—Yes.

10,966. And was the consequence of this that a good many of the poor people, as you call them, got allotments from the farmers?—Generally they used to all get it.

10,967. Generally they got them?—Yes.

10,968. And they had not them before?—No.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

10,969. I want you to tell me a little more about this and try and give me the dates. First of all, what was the time you were told by the press men. Did you say he was from a Cork newspaper?—Yes, he told me so.

10,970. What time was it that you were told, or asked, by the Cork reporter to attend the League; what day was that?—Some time about the 17th July, I think, last —

10,971. The 17th July 1886, two years ago?—I think it is three years ago, sir.

(*The President.*) He said three years ago.

10,972. (*Sir C. Russell.*) Was it 1885 or 1886?—I could not really tell you.

(*Sir C. Russell.*) I am told, my Lord, it was 1886.

(*The President.*) I only repeated from my note what he said.

10,973. (*Sir C. Russell.*) Yes, he said July 1885, I think. Just try and think. Last July would be July 1888. The year before that would be July 1887, the year before that would be July 1886. Was it that July or was it July 1885?—I have cut two crops of turf since the time I was fired at, and I have cut one before that.

10,974. Then that would be 1886?—The very same bog, sir.

10,975. We thought it was a mistake. It was about the 17th July that this press man asked you to go to the League?—Yes.

10,976. Do you know who it was?—I could not. He told me he was from Cork.

10,977. Did he tell you he was connected with the "Cork Examiner" newspaper?—He did not tell me any such thing.

10,978. You were not able to go the following Sunday?—No; I told him so.

10,979. When did you attend?—The following Sunday again.

10,980. What date would that be—the end of July?—Well, I think it is, it must be.

10,981. And you were shot in the knee, you told us, some days before this press man called upon you?—Well, I think he came the following day.

10,982. Then you would have been shot before the 15th of July 1886. Now, had you ever been summoned to attend at the Land League or requested to attend at the Land League until this press man asked you to come?—No.

10,983. And had you ever attended the League?—I had, sir.

10,984. As a member of the League?—Yes.

10,985. Had you ever been summoned before the League, and declined to attend the League?—No.

(*Sir C. Russell.*) Your Lordship will see on pages 312 and 313 the Attorney-General was misinformed about this.

(*The Attorney-General.*) That, of course, is your suggestion at present.

(*Sir C. Russell.*) It is what the witness has sworn. Your Lordship will find that gentleman was summoned first and did not appear, then he was shot, and then he did appear.

(*Mr. Atkinson.*) What is the name?

10,986. (*Sir C. Russell.*) Conway, 314 is the page. I want to be quite clear about that. Was any complaint made of you, or were you asked by anyone to attend the League until this press man asked you the day after you were shot?—No.

10,987. You are quite sure of that?—I am very sure of it.

10,988. I want to know a little more about this, please. What is this bog called?—The place we cut turf in. Turbary we cut in it.

10,989. What is the bog called?—Ardrahan Bog.

10,990. And is a good deal of that spent bog?—What is that.

10,991. Is a good deal of it bog which has been cut out?—Yes, they are cutting it since. Every man is cutting it since.

10,992. Is there a good deal of it in which there is grass growing?—Yes.

10,993. Did the tenants whose lands adjoined that bog claim the right to cut the bog, the turf?—Well, every man got it as well as myself.

10,994. And in addition to cutting the turf, did they also claim the right of grazing their cattle upon the bog?—Lord Listowel would give them the preference.

10,995. There were no fences upon it, but the farmers about there had the right to put in a certain number of head of cattle?—Any man that liked could put in as much cattle as he could have in it.

10,996. Lord Listowel you say drained the bog?—Yes.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

10,997. Some time ago?—Lord Listowel and Mr. Crosby drained it between them, because the two properties were adjoining.

10,998. Can you get to this bog except through the land of the tenants about it?—My land is adjoining it, still I could not go into it from my own place.

10,999. That is what I mean. Therefore to get to the bog, anybody who has a right to go there or claims the right has to go through the farmer's land?—No, there is a right of passage getting into it, but not through my place.

11,000. What had you done that the complaint was made about?—I could not tell you.

11,001. Had not you a quarrel with a man called Dooling?—Dooling is it?

11,002. Aye?—No.

11,003. Do not you know a man named Dooling?—I do. I know every man named Dooling within three square mile of me.

11,004. Had not you a quarrel with Dooling?—I never was in court in any place with him or had any cause of quarrel with him.

11,005. Was not there a dispute about the bog?—Not between him and I.

11,006. What was the dispute. Tell my Lord what was the dispute about the bog?—The dispute was that some of the tenants wanted to get it as grazing, and more of them were objecting to it. Then Lord Listowel preferred to leave the bog to cut it.

11,007. The people wanted to claim the right of grazing upon it?—Some of them did.

11,008. And Lord Listowel wanted to deal with it as bog?—Yes, but that would not cover the whole thing. Lord Listowel preferred to let it to cut turf in it.

11,009. Charging so much for cutting the turf?—Yes.

11,110. Did he appoint a bog ranger?—He did.

11,111. Who was that?—Named John Murphy.

11,112. I want you just to follow me, please, carefully. When you attended the meeting after you were shot you have told my learned friend, Mr. Atkinson, some of the people who were present. Do you recollect, was O'Connor, the secretary, present?—Yes.

11,113. Was the Rev. T. H. Brosnan present?—Yes.

11,114. Was he in the chair?—Yes.

11,115. And was there a Mr. Barrett present?—Yes.

11,116. The treasurer?—Yes.

11,117. Did you wait till the end of the proceedings?—Yes.

11,118. What was it you said you would do at the League. You said you would give up something?—I said I would give up the bog if there was any objection to my cutting it.

11,119. That is to say, in answer to the demand of the people to graze upon it you said you would not take it as bog?—Yes.

11,120. Was this resolution passed at that meeting and read out in your hearing and published in the papers, "That we reiterate our condemnation of outrage in all its phases, and with particular emphasis the one that has been recently perpetrated on John Conway, of Killigubbin, who has been made the victim of a cowardly midnight attack"?—Yes.

11,121. That was passed at a meeting at which you were present. You saw it published in the papers, did not you?—I heard it, at least.

11,122. Perhaps you do not read the papers?—No.

11,123. Are you able to read?—No.

11,124. Very well, that will account for it. I do not know whether you heard your neighbours say it was published in the "Freeman," the "Kerry Sentinel," and the "Kerry Reporter"?—I did, but it was reported in the League. Anything you tell me that is reported in the papers I did not see anything of.

(The President.) He says the resolution, as you read it, was passed; that is what I understood him to say.

11,125. (Sir C. Russell.) I understood him to say that too, but my friends throw some doubt. I will ask him about it clearly. You have told us you heard of this resolution. I have asked you already whether you were present at the time it was passed?—I was present in the League room till the whole League broke up.

11,126. Did you hear anything said condemning the attack made upon you?—Not with the exception of one man there asked me would I give up the bog.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

11,127. Who was the man?—I could not tell you, because I was sitting down lower. I was sitting in a chair down lower, and the whole of the members were standing up.

11,128. You could not tell me who it was?—No.

11,129. You did tell me the Rev. Mr. Brosnan was present?—He was in the chair. I am not denying that.

11,130. Then I must ask was there not a resolution passed condemning the attack upon you?—Not a man in the house said any word for or against me except one man who asked me would I give up the bog. I said I would, and he said that was satisfaction enough. That was all.

11,131. Did you remain there to the end?—I did.

11,132. Then you were understood to tell me that you heard this resolution read, but that was a mistake, was it?—I think it was, because it could not be.

11,133. Did you hear that it was in the papers?—I did.

11,134. Now I want to ask you another matter. This was not the first trouble you had with your neighbours, was it, this about the bog?—It was, indeed.

11,135. I mean this occasion when they came and visited you on the 16th of July?—Well, they put me to trouble about my turf.

11,136. You have not been asked about that. You made a complaint that some of your turf was destroyed?—Yes.

11,137. And you made a claim, and got 8*l.* awarded to you, or how much?—25*l.*

11,138. I am wrong then. What became of the money?—I got the money.

11,139. What did you do with it?—I used it on several accounts.

11,140. Are you sure you got the money?—I am very sure. I gave some of it to the landlord, and kept the remainder myself.

11,141. How much did you give to the landlord?—I gave 10*l.* of it.

11,142. Was this turf, which you say was destroyed, saved turf?—It was. It was very near it.

11,143. It was not saved?—No, not quite; not properly.

11,144. It was not saved, but very near it?—Yes.

11,145. That was a good deal of money for some unsaved turf, was not it?—It was.

11,146. When was it that occurred about your turf which was nearly saved?—About three weeks before I was shot.

(*The President.*) Does “unsaved” mean not yet fully dried?

11,147. (*Sir C. Russell.*) Yes. That is what it means, does not it?—Yes.

11,148. Turf that is not saved means cut and clamped, I suppose?—Yes.

11,149. But not completely dried?—Yes.

11,150. And you say that was in the same month?—It was three weeks before I was shot, just.

11,151. The branch of the League that you attended was called, what branch?—Abbeydorney.

(*Sir C. Russell.*) I just want to read this on the same page that I have referred to before. The Attorney-General read this passage:—“It appears Conway cut turf in a bog at Ardahan, to which he had no especial right.” This purports to be a quotation.

(*Mr. Justice A. L. Smith.*) The passage the Attorney-General was quoting begins before that. It begins “John Conway.”

(*Sir C. Russell.*) It begins even earlier than that. “Then on the 1st of August 1886, a poor man, named Conway.”

(*Mr. Justice A. L. Smith.*) That is the speech, but the paragraph begins at the top of page 314.

11,152. (*Sir C. Russell.*) “John Conway appeared before the meeting, on being communicated with by the secretary, to answer the charged preferred against him a month since. It appears Conway cut turf in a bog at Ardahan, to which he had no especial right, that the farmers whose farms surrounded this bog had the privilege of grazing their cattle thereon.” That is what they claimed whether they had the right or not—“which privilege has become a right through lapse of time, that any of these farmers have not cut turf in the bog on this year, but their right might have been weakened thereby, but Conway cut the turf against the expressed wish of all his surrounding neighbours, who were of opinion that Conway’s action amounted to an invasion of their right. As Conway had been fired at recently, the decision come to was that the League, in order to show its abhorrence of outrage, would exculpate

16 Nov. 1888.

JOHN CONWAY.

[Continued.]

“ Conway, but requested him to forgo any interference in the future with the Ardram side of the bog, and also with the Baltovin side, until his father’s right would devolve on him, to which Conway assented. The greatest sympathy was manifested by those present towards the unfortunate man, as he was scarcely able to move with the aid of a walking stick, on account of the bullet which he received in the leg from the party that visited him.” I wish before I sit down to make it quite clear. Had you been requested or summoned or asked to go to the Land League in respect of this conduct of yours about the turf until you were asked by this man who said he was a reporter for the paper?—No.

Cross-examined by Mr. HARRINGTON.

- 11,153. I think you were awarded 25*l.* compensation by the grand jury?—Yes.
 11,154. Was that the whole amount of your claim?—It was.
 11,155. Who was the chairman of the presentment sessions where you made the claim first—the road sessions?—Mr. Crosby.
 11,156. Is he your landlord?—He is.
 11,157. He is your own landlord?—No, he is not. I beg your pardon.
 11,158. Who is your landlord?—Lord Listowel.
 11,159. Are you a tenant of Lord Listowel?—Yes.
 11,160. Is your uncle a tenant of Lord Listowel?—My father is a tenant of Lord Listowel.
 11,161. But you are not yourself, are you?—I am.
 11,162. You both have holdings?—Yes.
 11,163. Do you know Lord Listowel’s agent?—I do. Mr. Brinsey Fitzgerald.
 11,164. Is he any connexion of Mr. Fitzgerald, the secretary of the grand jury?—Well, I think he is his brother.
 11,165. Now, Conway, did you ever get into your own hands—remember what I am asking you—the money awarded you by the grand jury?—I got it exclusive of 10*l.* I gave the balance after paying the money. I got 15*l.* of it.
 11,166. But you never got the whole money into your hands?—It is all the same.
 11,167. Answer my question; did you ever get the whole of the 25*l.* awarded by the grand jury into your own hands?—I did not.
 11,168. You got 15*l.* of it, I believe?—Yes.
 11,169. What become of the other 10*l.*?—I left it with the agent, because it was the agent gave me the money.
 11,170. What agent?—Mr. Brinsey Fitzgerald.
 11,171. You never got the money from the secretary of the grand jury yourself?—No.
 11,172. The secretary of the grand jury handed the money to your land agent?—To his brother.
 11,173. Who was your land agent?—Yes.
 11,174. And he kept 10*l.* of it for rent?—Yes.
 11,175. Was that your own rent or was it your father’s rent?—It was my own rent.

Cross-examined by Mr. DAVITT.

- 11,176. Was the land agent on the presentment session?—He was.
 11,177. Was he a member of it?—He was.
 11,178. Is Lord Listowel a chairman of the grand jury or is he a member of it?—He is not a member of it, I think, but his agent is.
 11,179. This money is levied on the cess payers, is it not?—Yes.
 11,180. On the occupiers, not on the landlord?—No.

Cross-examined by Mr. BIGGAR.

- 11,181. How many rails of turf were there in this turf of yours, which you say was damaged?—I think there was up to about 100 rails.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

- 11,182. How many slanes?—I had about 16 slanes of turf.
 11,183. What did you want the turf for, to burn or to sell?—I wanted part of it for my own use and another part of it to sell it.
 11,184. To whom did you sell it?—To anyone who would buy it of me.
 11,185. Did Lord Listowel allow you to sell turf off the bog?—He would.
 11,186. Suppose you had carried this turf into Tralee, how much would you have got for it?—According to the way I carried the rail. If I had a good rail it would be 7s. or 8s., generally 6s. or 7s.
 11,187. How many rails do you say there were?—I told you before there was 100 rails in them.
 11,188. How much would it take to carry it to Tralee?—I do not understand you.
 11,189. How many miles is it from Tralee to where this bog is?—About five Irish miles.
 11,190. You got from the grand jury a sum of money on the bog for this unfinished turf which it would be worth after it was finally finished, and after it had been carried into Tralee?—Is not that so?—[No answer.]

Re-examined by the ATTORNEY-GENERAL.

- 11,191. I understood you to say the price was 6s. or 7s. a rail.?—Yes.
 (Mr. Justice A. L. Smith.) That is 5l. short anyhow.
 (The Attorney-General.) We can make the calculation ourselves.
 (Mr. Justice A. L. Smith.) It is 5l. short.
 (The Attorney-General.) It is 10l. nearly.
 11,192. Had you a horse of your own?—Yes.
 11,193. And you had been working to cut this turf?—Yes.
 11,194. You had worked yourself to do it?—I had had men cutting it.
 11,195. You had cut it yourself?—I had helped.
 11,196. You meant to carry it with your own horse and cart to sell it?—I did not carry any; how could I when it was injured.
 11,197. You intended to do it and the rest to burn?—Yes.
 11,198. How long before you were shot at was it you got this money and paid the 10l.?—I did not get it at all this time.
 11,199. When was it?—It was nearly 12 months after.
 11,200. Twelve months after what?—After I had been shot.
 11,201. You got the money 12 months after you had been shot?—Yes.
 11,202. (The President.) When had it been burnt?
 (The Attorney-General.) When had it been burnt—how long before the shooting was it burnt?
 (Witness.) It was not burnt at all.
 (Sir C. Russell.) It was not burnt, but knocked about.
 (The Attorney-General.) How long before it was spoiled?
 (The President.) Whatever he said was his injury.
 11,203. (The Attorney-General.) How long before? What was done to the turf?—I told your honour, I think, before, that was about three weeks before I was shot.
 11,204. What was done with it?—It was thrown into where I dug it out of.
 11,205. Thrown back into the pit?—Yes.
 (The President.) I wanted the date.
 (The Attorney-General.) Three weeks before he was shot?
 (The President.) And he got the compensation 12 months afterwards?
 (The Attorney-General.) Yes.
 11,206. You have mentioned the secretary of the League. What was his name, do you know?—John O'Connor, I think.
 11,207. Was this man who spoke to you from Cork a stranger to you; the man who told you to go to the League, was he a stranger to you?—He was.
 11,208. Had you seen the secretary shortly before that—about a few weeks before that. Had you seen O'Connor, the secretary of the League?—No.
 11,209. Did you have any message from him?—No.
 11,210. You had seen nobody?—No.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

11,211. Now, when you were at this League meeting, who was it made either a charge or asked you to give up this bog, or asked you not to cut turf?—Really I could not tell you the man.

11,212. You do not know who it was?—No.

11,213. Somebody asked whether you would?—Yes.

11,214. In the League meeting?—Yes.

11,215. Do you remember anything else that passed except that?—I do not, beside that.

(*Sir C. Russell.*) My Lord, about the question of dates there is a little confusion according to my instructions about dates.

11,216. I want to know, are you accurate. I am not questioning your statement beyond wanting to know whether you are accurate. Are you accurate when you say it was on the 16th of July that you were shot?—Not the 16th but the 17th.

(*The President.*) We see there is a statement here which does not seem to have been followed up. I dare say it will come to nothing, but in the Attorney-General's speech he quotes from something apparently, "John Conway appeared before the meeting."

(*Mr. Murphy.*) Yes.

(*The President.*) "On being communicated with by the secretary to answer the "charge preferred against him a month since." I do not know what that purports to be quoted from.

(*The Attorney-General.*) I purported to quote it from a newspaper report of the resolution which will be put in evidence.

(*Mr. Murphy.*) The "Kerry Weekly Reporter."

(*Sir C. Russell.*) That made me ask whether he had had any complaint made to him, because it was contrary to my instructions.

(*The President.*) At present he says not so.

(*The Attorney-General.*) I do not at all complain of Sir Charles having called your Lordship's attention to it. That is why I venture to interpose, and say my learned friend must not assume I had made a mistake.

(*The President.*) We only wanted to see whether that had been followed out as far as it could be at present.

(*The Attorney-General.*) I was asking to see whether the man remembered anything about it.

(*Sir C. Russell.*) I am told this report my friend read from, was not from a paper friendly to the League.

(*Mr. Murphy.*) We do not admit that.

(*Sir C. Russell.*) My Lord there is an application I should like to make. It is a very short one, and it may be disposed of in a moment. There have been altogether, I understand, under your Lordship's sanction, examined, some seven letters alleged to be letters of Egan's. Seven alleged to be letters of Mr. Parnell, one alleged to be a letter of Davitt's, and two which I am told are genuine letters of Davitt's, making altogether 17 letters. My application is that those letters, which I understand have been handed to Mr. Soames, should be lodged with the secretary of the Commission.

(*The President.*) Of course, having been once delivered in, they are always in the custody of the Court, but of course they must be delivered out for use.

(*Sir C. Russell.*) Certainly; but I am told they are not in the possession of the secretary now. They are quite safe, I am sure, with Mr. Soames.

(*The Attorney-General.*) As I understand it, Mr. Soames only applies for them when it is necessary either to communicate with a witness, or for the purposes of the case, but he always hands them back to the officer of the Court. I am not speaking of the present moment.

(*The President.*) I presume, Sir Charles, you are satisfied with the statement that they are only handed out to Mr. Soames for his use, and then brought back to the secretary.

(*Sir C. Russell.*) I am satisfied, if that course is followed. I am not satisfied they were handed out for that purpose, because I am told possession was given without any stipulation as to their being returned.

(*The Attorney-General.*) I do not know how this may be. If it has been the practice hitherto that the documents be handed back to the respective sides, each side is responsible for them.

(*The President.*) Yes.

(*Sir C. Russell.*) No, no.

16 Nov. 1888.]

JOHN CONWAY.

[Continued.]

(*The President.*) What is the suggestion? What mischief do you surmise may arise from Mr. Soames having had them?

(*Sir C. Russell.*) None from Mr. Soames having temporary possession of them, not the least, but we wish them to be in the custody of the Court.

(*Mr. Justice A. L. Smith.*) A schedule of them has been taken.

(*Sir C. Russell.*) Yes; I myself have not seen any of these letters. I shall want leave to see them myself.

(*The President.*) Yes, of course.

(Adjourned for a short time.)

PATT SULLIVAN SWORN, examined by the ATTORNEY-GENERAL.

11,217. Are you a State bailiff at Ballinorig Causeway?—Yes; Ballinorig.

11,218. Were you steward and bog ranger for John Leahy?—Yes.

11,219. And is his property at Killarney?—He has a share in property at Ballinorig Causeway and Ballindough.

11,220. Do you remember a Mrs. Connor?—I do.

11,221. Was she a tenant on one of the properties?—She was.

11,222. Whose property?—John White Leahy's.

11,223. Did she die about the year 1881, or 1882; which was it?—At the end of the year 1881, or the beginning of 1882. I do not know exactly.

11,224. Were you told by the landlord to do anything, to ask for possession from anybody?—I was told by the landlord that the son-in-law had come in there unknown to the landlord.

11,225. Did you go to demand possession?—I did.

11,226. How many times did you ask for permission?—Three times, I think, sir; it was my duty to ask it three times, sir.

11,227. Do you remember in any day in 1882—I will ask you the date directly—anything happening to you?—I was fired at in the night of the 24th June.

11,228. What year?—I cannot exactly say whether it was 1881 or 1882; I cannot swear that.

11,229. I think 24th June 1882 is right; what happened to you?—I was in Tralee, and after coming home a man came to the door and called me by my name and surname.

11,230. What did he say to you?—He asked me out. I answered the call, and he caught me by the arm and he made at shooting me in the breast, but his revolver, as far as I can understand it, missed.

1231. How many shots were fired altogether?—To the best of my belief about eight.

1232. And how many hit you?—Four, sir.

1233. Where did they hit you?—The first one I got was in the right arm, and I got two both together, one on the right arm and one on the right leg. The one I got on the leg went through and through.

1234. Did the man who called you out say anything to you before he shot you?—He did. That is the time I saw he was disguised when he spoke to me. He says, "You demanded possession from a man of the name of Reilly." I told him he was making a mistake. I said it was a man named Connor.

11,235. Who was Reilly?—Another tenant, a neighbour of mine.

11,236. Who was Connor?—A man who wanted to get the place in the place of the mother-in-law.

11,237. Had you done anything at all except what you have told us?—No, sir.

11,238. Had you any quarrel with your neighbours, or any difficulty at all to cause your being shot, that you know of?—I did not hear anything. I thought myself I was well liked by the people.

11,239. Except this case which you had about possession, had you done anything you know of to give offence to anybody?—As far as I can remember, I do not know that I did. Perhaps I may, I would not remember it, sir.

11,240. After you were shot did you go to Connor?—I did, about a month after I was for a month and two days in hospital. Then he came to me and brought a letter from the agent to me to go and I got police protection.

16 Nov. 1888.]

PATT. SULLIVAN.

[Continued.]

11,241. You went to Connor and spoke to him, and then he made terms with the agent and gave you possession?—It was himself that made terms with the agent. He brought a letter to me from the agent to go over and demand possession, and I did. I took the note and demanded possession again.

11,242. Do you remember sometime after you were shot being called upon to attend any meeting?—I was, sir.

11,243. What meeting was that?—A meeting that was held at the Causeway.

11,244. What sort of a meeting was it?—It was a Land League meeting.

11,245. Who summoned you?—I was not summoned at all, but I got word to attend there, and the man went and complained of me to the League, and they asked me to attend the League.

11,246. Who gave you word to attend before the League?—As far as I can remember now, it was my sister-in-law.

11,247. What was the complaint against you?—A man named Joy made a complaint that I had too much rent of him and he wanted to get a reduction from me, and he said he would carry me before the League.

11,248. Who was present at the League when you went there?—I had a letter from the Land League and I produced it to the parish priest.

11,249. Who was the parish priest, Father Enright?—Father Enright.

11,250. Were there any other persons present at the Land League meeting?—There were.

11,251. Can you tell me their names?—There were three or four there, one man named Carroll, I think, who read my letter.

11,252. Just tell us what was said at this meeting about you and Joy, or any payment of rent, or anything of that kind?—They said that he belied me. Then I questioned him in the presence of the League, and I complied with their rules, and they were very kind and nice to me, and they said they knew I would do so.

11,253. Did the League tell you to do anything about Joy?—They asked me to reduce the rent. He wanted more than the League would allow. He wanted to get the same as I had. I had a farm myself, and the League would not allow that. They said to me, it is enough to give a reduction of five days, and I consented to that.

11,254. How was he to pay his rent, by doing so much work in the year?—Yes.

11,255. How many days was he to work in the year?—Twenty days was to be done by two men and him.

11,256. Did the League say what you were to do?—They asked me would I be pleased in taking 15 days, and I said I would.

11,257. The League asked you whether you would let him off so many days?—Yes.

11,258. And you said you would?—Yes.

11,259. Do you remember anything else they said to you?—No.

11,260. Are you quite sure?—Yes.

11,261. Now think, did they say anything to you about what would happen to you if you did not do it?—No, they did not.

11,262. Are you quite sure?—They did not say anything at all to me, but they shook Joy over it; that he had belied me, and I made him swallow something that he had said.

11,263. Was that the only time you were summoned before the the League?

(*Sir C. Russell.*) He has not said he was summoned.

(*The Attorney-General.*) Pardon me, he did say so.

(*Witness.*) I only got notice to go.

11,264. You said you got notice to go before the League?—Yes.

11,265. (*Sir C. Russell.*) From his sister-in-law?—From my sister-in-law.

11,266. (*The Attorney-General.*) Was that the only time?—Another man said he was going to send a note to me, and my sister-in-law gave it to me; that was the only time.

11,267. Had you attended any other League meeting yourself?—No; there was a meeting one day at the Causeway.

11,268. How long had this League been established, or had there been meetings before you went before it?—I declare I could not tell you that, sir.

11,269. Try and think?—I could not tell you that question, sir.

16 Nov. 1888.]

PATT. SULLIVAN.

[Continued.]

- 11,270. Did you ever find out who was the man who shot you?—I did not, sir.
11,271. He was never convicted, or tried, or brought to justice?—I could not know him, sir, because —
11,272. Why not?—Because he was disguised, and the other man was not disguised at all; but the man who kept me by the arm I did not find out who he was.
11,273. There were two men there, were there?—There were.
11,274. You never found out either of them?—I did not, sir.

Cross-examined by Sir C. RUSSELL.

- 11,275. One of these men was not disguised?—One of them was not disguised.
11,276. Was he a stranger?—I could not say, I did not observe him. The other man kept me in play when he held me by the arm.
11,277. Were you able to identify either one or the other of them?—I was not.
11,278. I want to ask you this, is Mr. Leahy a large landowner there or not?—A small landowner.
11,279. How many tenants has he?—Well, I could not tell exactly that now.
11,280. You were the bailiff, you say?—I was.
11,281. Had you any evictions on that property?—No, only on land that I held myself. It was evicted by some parties at a place convenient since I was shot. The father and the son let it to me. I took it without the landlord's consent.
11,282. You say there were no evictions upon Mr. Leahy's property up to this time?—No.
11,283. I want to understand this; Mrs. Connor was the tenant of the farm under Mr. Leahy?—She was.
11,284. And she died?—She died.
11,285. Had her husband been the tenant when he was living?—Yes, he had been the tenant.
11,286. And he had been all his life?—He had, sir, until he died.
11,287. And his father before him?—I could not exactly answer that question about his father before him. I believe he was in some place convenient to the place.
11,288. When Mrs. Connor died she left a daughter?—Yes, the daughter was married years before she died, sir. I do not know how many years.
11,289. She married a man of the name of what?—Connor.
11,290. The same name?—The same name.
11,291. And he had lived with his mother-in-law?—He did.
11,292. And worked the farm?—And worked the farm.
11,293. How many years now before Mrs. Connor died?—I could not swear how many years.
11,294. At all events a number of years?—I think it was.
11,295. Had he children grown up?—He had.
11,296. What age now are his children?—They are about 17 or 18 years now.
11,297. And he lived with his mother-in-law from the time of his marriage?—He did.
11,298. And I suppose earned the rent and paid it?—He always paid his rent.
11,299. He was the man who paid the rent?—No, the mother-in-law was always paying the rent, it was in the mother-in-law's name the rent was always received.
11,300. Hers was the name on the landlord's books?—Yes.
11,301. But it was he who worked the farm?—It was, sir.
11,302. Who would it be that brought the rent into the office?—I do not know who brought the rent in, the mother-in-law herself and the daughter sometimes went in.
11,303. Sometimes the daughter and sometimes the mother-in-law?—Yes, while she lived; in the mother-in-law's name the rent was always paid.
11,304. After her death the son-in-law continued to live at the house just as he had done before in the same farm?—He did.
11,305. And the landlord wanted to turn him out?—The landlord said he could not receive the rent. He wanted to pay his rent. He said he could not take any rent of him till he had been made a tenant, because his mother-in-law was a tenant.
11,306. The mother-in-law was dead?—Yes.

16 Nov. 1888.]

PATT. SULLIVAN.

[Continued.]

11,307. He could not make a tenant of her?—So he told me to go and demand possession.

11,308. Cannor, the son-in-law, came with his rent, and wanted to pay his rent, and be continued a tenant?—I think he did. I cannot say.

11,309. That is so is it?—I think so.

11,310. Brought his rent and wanted to be continued the tenant, and the landlord would not agree with him at that time?—No, as far as I can understand, he would not receive any rent till he had been made a tenant.

11,311. When did Connor and the landlord come to terms?—They came to terms about a month after I had been shot, because he came with a letter from the agent to me telling me to go and demand possession, so I went under police protection, I did not want to go, and my mother prevailed upon me to go.

11,312. To go and do what?—To go and demand possession and make a tenant of him.

(*The President.*) I understand him to say that he, after he was shot, went to Connor.

(*Sir C. Russell.*) Yes. He said his mother begged him to go to Connor. He did not, at first, want to go.

11,313. The reason why you were unwilling to do that was because you suspected Connor had something to do with the shooting, was it not?—No, begorra, I knew that he had not. I thought that they had done nothing out of the way. I was a steward.

11,314. Although you did not know anything against Connor you had a suspicion that he had something to do with it?—I do not mean that at all, because if Connor was the man I would have known him.

11,315. I do not suggest that Connor was there, but you were unwilling to go when your mother begged of you to go?—It was very strange to me to see that I was fired at at all.

11,316. But if Connor had nothing to do with it, why should not you go and do a friendly turn to Connor?—Well, I could not say Connor had anything to do with it.

11,317. You had a kind of suspicion in your mind that he had something to do with it?—Perhaps many things strike into a man's head that he would not swear to.

11,318. But ultimately your mother prevailed upon you and you went?—I did.

11,319. And you did Connor a friendly turn?—I did.

11,320. And he was accepted as a tenant?—Yes.

11,321. And you and he are good friends now I hope?—Yes.

11,322. Where was this meeting that your sister-in-law asked you to go to, at the Causeway, I think you said, the Land League meeting you spoke about?—I was noticed to go there.

11,323. If I understand you rightly, I thought you said that your sister-in-law gave you a notice to go there?—It was my sister-in-law that gave me the notice, because some man who was at the League told her to give me word, as far as I could understand, and as far as I am aware, the parish priest, the Rev. Father Engright told one of the men to write to me and he sent me word then without writing.

11,324. I want to get at the bottom of this story. There was a man called Joy who was a tenant of your own?—Yes.

11,325. To whom you had let some of you land?—Yes.

11,326. How much land did you let him?—Something less than half an acre.

11,327. And he was to pay you for that half acre of land by 20 days' work?—Yes.

11,328. He was paying you no money for it.?—No.

11,329. He was to give you 20 days' work free of charge on your own farm?—Yes.

11,330. Joy was complaining that that was too much?—He was.

11,331. And what did he want to reduce it to?—To reduce it down before he went at all to the League, and asked me to give him a reduction.

11,332. To what?—To give him a reduction, that the place was too dear on him, and he said if I did not give him a reduction he would carry me before the League, and I said that I did not care.

11,333. What reduction did he ask, 10 days, or what; he was paying you 20 days' work?—He was. He wanted to take it for the rent of the farm.

16 Nov. 1888.]

PATT. SULLIVAN.

[Continued.]

11,334. Was it 10 days' he wanted it to be reduced to, or what?—I could not say. He wanted to get it at the rent of the farm.

11,335. May I take it that he wanted to get off doing the labour altogether and to pay for the half acre at the same rate that you were paying to your landlord for your own farm?—Yes.

11,336. And you went before the League?—I did.

11,337. I understand you to say that they said that he had belied you?—Yes.

11,338. Who was it that said that?—Two or three of them there. They said, "It is all very fine, Joy."

11,339. Was it Father Enright who said that or anybody else?—The question that Father Enright said was, because he sold some turf out of the garden, and I told him he should not sell out of the garden, and I told him he was afraid he would put him out of the place if he saw the turf.

11,340. Then I understand this Land League meeting took your side of it?—They did, sir.

11,341. And said he was asking an unreasonable reduction?—Yes.

11,342. Then they asked you whether you would be content with 15 days' work?—They did.

11,343. And you said you would be?—I did.

11,344. And you agreed to that?—I did. I got so disgusted I did not ask him to work, not that year, and he would not come to work for me that year at all.

11,345. Was there any attempt at the Land meeting to intimidate you or bully you, or treat you in any unfair way?—No, sir, no; after taking this farm that I held, as far as I can understand, some people belonging to the farm wanted to get me boycotted by what I heard, and I heard that Mr. Harrington put it in the papers that I should not be interfered with, that I did not come under the rules of the League.

11,346. That is the later farm that you told us about, that the man was evicted out of later?—Yes.

11,347. And you were not boycotted?—No, sir, I was not.

11,348. Attend to me. Is there any ground for suggesting, as far as you know, Sullivan, that anybody connected with the Land League had anything to do with this attack upon you?—I could not say that. It is my opinion that they had not. I could not say.

Cross-examined by Mr. M. DAVITT.

11,349. Are you the proprietor of your land?—The proprietor.

11,350. Yes; do you own it?—Yes, from the landlord.

11,351. You are a tenant?—I am.

11,352. Did you intend to buy your land under Lord Ashbourne's Act if you got a chance?—I could, understand that, if the landlord liked. He asked me one time, but the figure was very high.

11,353. You charged Joy rent at the rate of 20 days' work in the year for half an acre?—Yes.

11,354. I suppose his day's labour would be valued at 1s. 6d., would it not?—No, in this place no more than 1s.

11,355. That would be about 2l. per acre per year?—Yes.

11,356. How much do you pay per acre for your land?—1l. an acre.

Re-examined by the ATTORNEY-GENERAL.

11,357. You said you went to Connor's under police protection. What did you go to him for?

(Sir C. Russell.) He did not say anything about police protection.

(The Attorney-General.) Let there be no mistake. After you had been shot, when you went to Connor, were you under police protection?—I was.

11,358. What did you go to him for?—I went and turned him out and went to the farm and I hasped the door, put down the fire, and turned him back.

16 Nov. 1888.]

PATT. SULLIVAN.

[Continued.]

11,359. After you had been shot, you went under police protection, and you went and locked the door?—I did not lock the door. I only hasped the door.

11,360. Was it after that that Connor came to you and showed you the letter from the agent or the landlord?—The same day.

11,361. Had you anything to do with Connor being made a tenant?—I ha not.

11,362. Did you do anything with the agent to get Connor made a tenant or not?—No, sir, I did not.

11,363. I want to have this distinctly, had you any suspicion that it was Connor that shot you?—I had not.

11,364. Until that suggestion was made to-day by this gentleman (Sir Charles Russell.) Did you ever suspect Connor?—I did not.

(*Sir C. Russell.*) I did not suggest that Connor shot him. I suggested merely a suspicion that Connor had something to do with it.

11,365. (*The Attorney-General.*) Until this gentleman made this suggestion to you to-day, had anybody ever suggested to you, or did you think that Connor shot you?—No.

11,366. Or got you shot?—No.

11,367. Have you been talking to anybody to-day?—To-day, sir.

11,368. Yes?—No, sir.

11,369. Are you sure?—I was talking to a good many outside.

11,370. Tell me who you have been talking to to-day?—I am companion all through with a man who was up here before me, Conway.

11,371. Anybody else?—No, no more.

11,372. You are quite sure, are you?—I am.

11,373. Have you talked to anybody else to-day?—No, I did not, except I was speaking to a man inside, coming in there, sir.

11,374. You were called just before the Court adjourned; before those gentlemen went out; did you talk to anybody during the adjournment?—I spoke to a policeman.

11,375. Only a policeman?—And I spoke to another man outside.

11,376. Who?—Mr. Holmes.

11,377. Mr. Soames?—Yes.

11,378. Anybody else?—Nobody else as far as I can remember.

11,379. You have spoken to no other gentleman here?—I do not think I did.

11,380. Are you quite sure?—Yes.

11,381. Did anybody speak to you?—I was speaking to a man outside when I wanted to come into the court house, and he said I should stop there a while, and I told him I was called.

11,382. Nobody else?—I think not.

11,383. Are you quite sure?—I was speaking to a constable to-day, sir.

11,384. Since you came here this morning have you spoken to anybody else?—I do not think I did.

11,385. Are you quite sure?—I am, begorra. I cannot remember, sir. I was inside Mr. Soames' office.

11,386. Do you know either of the Mr. Harringtons?—No.

(*Mr. Timothy Harrington.*) Perhaps I may be allowed to say, as I guess the direction in which this examination is going, that I never remember seeing this man in my life.

(*Mr. Edward Harrington.*) It is an unfair and impudent suggestion. I have never seen this man before to-day. The Attorney-General has been looking at me while he has been asking these questions.

(*The President.*) This is quite irregular. You, Mr. Harrington (Mr. Timothy Harrington), at least know that it is irregular, and that you cannot take the position of both counsel and witness.

(*Mr. T. Harrington.*) I was not addressing your Lordship as a witness. My name has been mentioned by the Attorney-General.

(*The President.*) That is no reason for your interfering, Mr. Harrington, and I must desire that you will cease.

(*Sir C. Russell.*) If the Attorney-General were to put the names to the witness, my Lord —

(*The President.*) That is no justification for a person who is now addressing the Court in the position of a witness addressihg us at all.

16 Nov. 1888.]

PATT. SULLIVAN.

[Continued.]

(*Mr. T. Harrington.*) I was only protecting myself from the base insinuations that have been made.

(*The President.*) Let the Court be adjourned, since I cannot maintain decorum.

(The Judges left the Bench for a short time.)

(*Mr. Harrington.*) Will your Lordship allow me to say to the Court that I did not mean any disrespect to the Court, nor did I mean to annoy your Lordships to any extent whatsoever. Perhaps your Lordship will allow me to state that your observation to me, saying that I could not be heard, as a witness seemed to me to cast some doubt on my declaration, that I had not spoken to the witness.

(*The President.*) No, no.

(*Mr. Harrington.*) That was the cause of the heat I exhibited, which I think I ought to express my regret for.

(*The President.*) I found myself unable to preserve what I considered to be decorum in the Court, since it is usual for all persons alike to obey the directions of the Court; and I therefore adjourned in order that the matter might subside and that we might continue things in a more orderly manner. I am very glad to receive Mr. Harrington's statement that he did not intend to offer any offence to the Court; but I must repeat (and I hope that it will be remembered) that a person has no right while an examination of a witness is going on to rise and challenge his statement. The opportunity for that must be waited for, until that person who denies the assertion can be put into the box to contradict it.

(*Sir C. Russell.*) My Lord, it was not a statement of the witness.

(*The Attorney-General.*) Nor was it a statement of mine, I will repeat my question.

11,387. Sullivan, do you know either of the Mr. Harringtons?—No.

11,388. You said in your cross-examination to Sir Charles Russell that Mr. Harrington said that you should not be interfered with because you had not come under the League or the rules of the League?—Yes.

11,389. (*Sir C. Russell.*) No?—As far as I heard he put it in the public press.

11,390. (*The Attorney-General.*) Do you know which Mr. Harrington that was?—I could not say. I did not know any of them.

11,391. Did you see him?—I may have seen him, but I did not know anything of him.

11,392. Did you see him. Did you see Mr. Harrington at any time?—I am sorry it is hardly I can remember. I see one—no, I do not think I did. I do not know whether I saw him at the Castle one time or at the Court. I could not swear that. I saw a young fair man. I saw him at a Court day.

11,393. Do you know Mr. Harrington when you see him or not?—I would not know him.

11,394. You are quite sure?—I am.

11,395. What was it you had done which was brought before Mr. Harrington; you said he reported you were not under the law of the League?—People grudged that I had the farm I had got. They wanted to get me boycotted, and I told Mr. Harrington, and he said it should be put in the public press that I did not come under the League at all.

11,396. Who wanted to get you boycotted?—Neighbours of mine; the wife of the husband who had the farm wanted to do it.

11,397. The wife of the husband who had the farm?—Yes, he is in America.

11,398. Had he left it?—Yes, it was he who surrendered it to me, and his father, the wife and himself disagreed.

11,399. Only one other question. You stated that Joy wanted to take you before the League, and you said you would not go, you did not care about it?—He said he would take me before the League, and I said I did not care. I think that is what he said.

11,400. Did he say anything more to you?—He did not.

11,401. That was all?—That was all.

16 Nov. 1888.]

GILES RAY.

[Continued.]

GILES RAY sworn, examined by Mr. ATKINSON.

11,402. Do you live in Castle Gregory, county Kerry?—I do. I live at Killiney, on a farm.

11,403. Is that near Castle Gregory?—Yes.

11,404. What age are you?—I was 74 last August.

11,405. Do you remember, in the year 1885, at the end of 1885, getting some writs to serve?—I do.

11,406. Upon people living about Castle Gregory?—I do.

11,407. Upon whom were you to serve the writs?—I was to serve one on Michael Learey, one on Michael O'Donnell, and one on John Dean, all residing in Killiney.

11,408. On behalf of whom were you to serve them. Were they ejectments?—Mr. Blennerhassett.

11,409. Was he the landlord?—Yes.

11,410. Were these three men you have named his tenants?—They were.

11,411. Do you know whether these three men, or any of them, were members of the National League?—I know they are, all.

11,412. All members?—All members.

(*Sir C. Russell.*) Is that Arthur Blennerhassett?

(*Mr. Atkinson.*) Yes.

11,414. Up to the time that you served those writs were you on good terms with your neighbours?—I was.

11,413. Had you any difficulty about getting provisions, or anything of that kind?—Nothing, till after the service of the writs.

11,415. As soon as the writs were served, were you able to get provisions?—I was able to get nothing but bread. I got plenty of bread in Castle Gregory. All the others I could not, milk and potatoes, and butter, and anything else, and turf.

11,416. Did the people from whom you had been accustomed to get those things before, refuse you?—Yes.

11,417. After the service of the writs?—Yes, they did. I could not get a horse nor cart, or anything else.

11,418. After the service of these writs at the latter end of 1885 did you observe whether the people would speak to you or not?—Very few would.

11,419. For instance, when you went to mass upon a Sunday, would people speak to you in the chapel yard?—I never go to mass at all.

11,420. Are you a Protestant?—Yes.

11,421. In January 1886, did you serve a writ on a man named Thomas Connor?—James Connor.

11,422. Is he a member of the League?—He is.

11,423. Do you know a man of the name of Cokeley?—I do.

11,424. Is he a brother-in-law of Connor's?—He is.

11,425. Does Cokeley hold any office in the local League?—He collects.

11,426. In the League?—I do not know anything about the League. I never entered it.

11,427. Some few days after the service of that last writ on Connor, did a number of men come to your house?—Five did.

11,428. What time of night was it?—About 7 o'clock at night.

11,429. Were they disguised in any way?—They were.

11,430. Were you and your family at supper at this time?—Myself and wife were sitting down to supper, and the latch was opened, and in popped one man and catches her and shoves her down against the dresser, and blindfolded her. Then four men came round me and caught me down on the middle of the floor, one to the right, one to the left, and one behind, and one before.

11,431. When they had caught you, what did they do to you?—Cut off my ear.

11,432. Did they cut off both your ears, or only one?—No, only one.

11,433. Did any of them say anything to you?—Not a word did they speak.

11,434. They did not say why they did it?—They did not speak a word, or a sentence. Not a syllable did they speak.

11,435. Did you know any of them?—No, I did not know them.

11,436. Except the service of these writs, had you done anything to anybody to cause his enmity?—I do not know that I had.

16 Nov. 1888.]

GILES RAY.

[Continued.]

- 11,437. After your ears were cut off—
 (Sir C. Russell.) His ear.
 11,438. (Mr. Atkinson.) Your ear was cut off, were you able to get provisions at all?—Well, I had some potatoes myself.
 11,439. Do you know what being boycotted is?—I do, well. I was boycotted.
 11,440. After this outrage on you?—After.
 11,441. Do you still continue to be boycotted?—I am still.
 11,442. Are you under police protection?—I am.
 11,443. When were you first put under police protection?—Directly after the cutting of my ear off.
 11,444. And you are still under it —I am.

Cross-examined by Sir C. RUSSELL.

- 11,445. Were these men who committed this gross outrage upon you disguised in any way?—They were disguised.
 11,446. How?—Why, masks and blackened in their faces.
 11,447. Where they came from, you, of course, could not tell?—I could not.
 11,448. Do you know the treasurer of the League?—I do not. I know nothing at all about the League.
 11,449. Oh, I think you do?—But I do not. If I did I would tell the truth.
 17450. Just listen for a moment?—I know nothing about it. I never entered it.
 17,451. Who is the man you deal with for shop goods at Castle Gregory?—His name is O'Donnell.
 11,452. Is he a member of the Land League?—I do not know, I think he is.
 11,453. Do not you know that he is the treasurer of the Land League?—I know nothing about it.
 11,454. You think he is a member of the Land League, but you do not know whether he is treasurer or not?—I think he visits the Land League room though. That is all I know about it.
 11,455. You know he was a Land Leaguer, but not that he was treasurer?—I knew nothing about it.
 11,456. Did you, the morning after this outrage upon you, call at his house?—No, I did not.
 11,457. Did not you?—No.
 11,458. Do not you recollect asking him to take a little cheque for you to bank in Tralee for you?—Not at that time.
 11,459. Yes, the very morning after the outrage upon you?—No, I did not, in the morning. It happened to me on the Saturday night, and the Sunday morning I came home to Killiney.
 11,460. Do you recollect the transaction?—I recollect it well. I did not go into his house at all on the Sunday.
 11,461. Attend, please. Do you recollect the transaction I refer to when you asked O'Donnell to bank a little cheque for you in Tralee?—I do not know whether I had a cheque at the time at all. I do not think I had.
 11,462. Do you recollect calling upon him?—On the doctor?
 11,463. On O'Donnell?—I did not, good, bad, and indifferent, on the same Sunday, go near him.
 11,464. I am not talking of the same Sunday at all?—I afterwards went to him with a little cheque. He often changed my cheques. He did before.
 11,465. I am asking you whether, after this outrage was committed upon you, within a few days after it, if not the next day, you did not call on the Land League treasurer, a man who at least you knew was a member of the Land League, and ask him to bank a cheque for you?—I was laid up for a month so that I could not leave my bed.
 11,466. Then you did not go?—I did not, because I was laid up in bed for a long month after.
 11,467. Do you read the papers?—Sometimes.
 11,468. What papers do you read?—The papers the police get. The police gets a paper every week day, and I read them.
 11,469. What are their papers?—The "Times," the "Chronicle."

16 Nov. 1888.]

GILES RAY.

[Continued.]

11,470. That is not the Printing House Square "Times," but the "Irish Times"?—The "Irish Times."

11,471. Any other paper?—The "Chronicle."

11,472. Which is that? The "Sporting Chronicle"?

(The Attorney-General.) No, the "Limerick Chronicle."

11,473. (Sir C. Russell.) The "Limerick Chronicle" perhaps?—Yes.

11,474. Did you see the resolutions of the Land League Branch of Castle Gregory that they passed after the outrage upon you?—I know nothing about the Land League, not a bit. I never entered it.

11,475. I will acquit you of all part or act with them. I am not accusing you?—Well, you cannot, because if you do you will be in a wrong state.

11,476. Well, I will not, but I am asking you did you see published in the papers a resolution passed by the League after your outrage?—I cannot say,

11,477. I will read it to you and see whether you remember?—I cannot say for the life of me whether I did or not.

11,478. Did you see a resolution condemning in the strongest possible manner the disgraceful and cowardly outrages that had lately taken place?—I will not say that it did or did not.

11,479. You think you did?—I forget it if I did. I forget it altogether.

11,480. But you took some interest in it?—I do not know. I know nothing about it at all.

11,481. But I must really ask you do you not know that the Land League condemned as strongly as they could the outrage?—Well, I do not know. I know nothing at all about the Land League. Ask me no more questions about it.

11,482. Did you ever charge the Land League or suggest the Land League had, anything to do with the attack upon you?—Do not I tell you I did not enter it at all.

11,483. Did you ever suggest it?—I did not.

Cross-examined by Mr. DAVITT.

11,484. I see like myself you have the misfortune of having lost an arm?—I have.

11,485. How many police are there in the town of Castle Gregory?—I think five.

11,486. Are there a good number in the surrounding locality?—There is five in Castle Gregory, counting the serjeant, and two or three at Killiney, and I do not know how many in the Camp Barrack.

11,487. Did they seriously try to find the scoundrels that perpetrated this outrage upon you?—The serjeant and another went out the same night in search of them.

11,488. And they failed to bring anyone to justice?—They failed to bring anybody.

Re-examined by the ATTORNEY-GENERAL.

11,489. Were you ever able to find out who it was that had done it?—No.

11,490. How long were you laid up. I want to get this?—Well, I am sure I was laid up a good month or more.

11,491. It is a mistake that you went out the next day and saw the treasurer of the Land League?—I did no such thing.

ALEXANDER BENNETT sworn, examined by Mr. RONAN.

11,492. Are you land steward to Mr. Arthur Blennerhassett of Ballyseedy?—Yes.

11,493. That is near Tralee?—Yes.

11,484. Do you remember attending a Land League meeting at a place called Obane, in the county of Kerry?—I do. I went there to a meeting but I do not know that it was a Land League meeting.

11,495. There was a meeting there?—Yes.

11,496. Did Mr. Harrington make a speech there?—Mr. Timothy Harrington made a speech there.

16 Nov. 1888.]

ALEXANDER BENNETT.

[Continued.]

- 11,497. Was there a Mr. John Kelly made a speech there?—There was.
- 11,498. Can you tell me when that was?—I think it was in 1880, about this month. I am not sure.
- 11,499. Do you know a farm held by a man named Poff?—I did.
- 11,500. Was there a meeting near that farm?—It is about a mile, I think, from that farm, or three quarters of a mile.
- 11,501. Do you remember, in the month of June 1882, Poff being evicted from the farm?—Poff was evicted in 1881.
- 11,502. That farm was on Mr. Blennerhassett's property?—Yes.
- 11,503. Did you put a man named Fitzgerald in charge of the farm then?—Fitzgerald was the first man who went in charge of it.
- 11,504. When he left it did you put a man named Keefe in?—Keefe was general man for three or four farms there.
- 11,505. Do you remember at one time going with Keefe to the police when he made a report to the police?—Keefe came to me and reported he was fired at coming home, and I went into Tralee with him and reported the matter to the constabulary.
- 11,506. With Keefe?—Yes.
- 11,507. Did Keefe then give up caring the farm?—He did.
- 11,508. Do you know two men named John Clifford and Thomas Clifford?—I do, well.
- 11,509. Did you put them in charge of the farm then?—I did.
- 11,510. Do you remember the 6th November 1881. The following morning did you see Thomas Clifford the morning after the 6th November?—On the morning of the 7th John Clifford that was Thomas Clifford's brother came down and reported to me that his brother had been visited by the Moonlighters, and that he was shot in the legs.
- 11,511. Did you go to the place?—I went at once.
- 11,512. Tell their Lordships what state you found him in?—I found him sitting on a chair by the side of the fire, and a coat thrown over his shoulders; four bullets went clean through his thigh, and another one went and lodged in his backbone.
- 11,513. Did the Cliffords then give up caring this farm?—They did.
- 11,514. Was the next man you put in there a man named Patrick Cahill?—Yes.
- 11,515. On the 14th June did Patrick Cahill make any report to you?—1882. He reported he was fired at going home on the evening of the 14th.
- 11,516. Did he get police protection after that?—Yes.
- 11,517. How long did the police protection last?—About eight days.
- 11,518. On the 22nd June did you see Cahill's body?—I did.
- 11,519. How many bullet marks had he on him?—I counted four.
- 11,520. Was he dead?—He was.
- 11,521. Was the place you found him on the way from Poff's farm to his own house?—Yes.

Cross-examined by Sir C. RUSSELL.

- 11,522. The landlord, you said, was Mr. Arthur Blennerhassett?—Yes.
- 11,523. Who was the agent?—Mr. Hussey was agent at that time.
- 11,524. What Mr. Hussey?—Mr. Samuel Moray Hussey.
- 11,525. When was Poff evicted from his farm?—Poff was evicted, I think, it was in 1881.
- 11,526. What time?—In the month of May; I would not be sure.
- 11,527. Well, you believe, as well as you recollect. When was the ejectment decree obtained against him?—It was obtained against him some time before that.
- 11,528. When?—I think about 12 months.
- 11,529. Twelve months before?—Yes.
- 11,530. You think it was?—I think it was.
- 11,531. You think it was obtained about May 1880, do you?—About that time.
- 11,532. Have many of Mr. Blennerhassett's tenants been in the Court?—Which Court.
- 11,533. Do not you know what I mean, the Land Court?—No, very few.

16 Nov. 1888.]

ALEXANDER BENNETT.

[Continued.]

11,534. How many tenants has he altogether?—I could not tell you; I suppose several hundred.

11,535. Do you say very few have been in?—Very few in proportion.

11,536. Have the rest been settled with?—A good many of them settled before going to Court.

11,537. After they had given notice, what was the reduction in the rents?—From 15 to 25 per cent.

11,538. Was it from 20 to 30 per cent.?—The reduction?

11,539. Aye?—No.

11,540. I am not talking of those who settled out of Court you know, but in the Court?—Oh, some of them in the Court, I think, got about five and twenty.

11,541. Aye and some of them more I am told. However, I can go into the figures of that presently. Where was Poff's farm?—In the townland of Mount Nicholas.

11,542. Whereabouts is that?—Is it about $3\frac{1}{2}$ miles or 4 miles from Tralee.

11,543. Whereabouts did you live yourself?—I live about $2\frac{1}{2}$ or 3 miles from Tralee, about $2\frac{3}{4}$ from Tralee. I live at Ballyseedy.

11,544. I understand you to say that John Clifford reported that his brother had been visited by Moonlighters, and shot in the leg?—Yes.

11,545. That is not the first time you have heard of these moonlight visits?—No.

11,546. How many years have you lived in Kerry?—20 years the 11th January next.

11,547. What are the names by which the members of the secret societies go in Kerry?—Oh, I could not tell you that; I know nothing at all about them.

11,548. Oh, yes, yes; I do not say you know anything about them yourself?—I do not know anything at all about them.

11,549. What are the names they go by?—I could not tell you.

11,550. Rockites?—I could not tell you.

11,551. Moonlighters?—I know there are Moonlighters.

11,552. Ribbon men?—Oh, I do not know.

11,553. Have you not heard that?—No.

11,554. Although of course you have no acquaintance with them yourself, you know that there are a great many members of secret societies in Kerry?—There is no doubt about it.

11,555. How many evictions altogether could you tell me, within a few hundred, have taken place in the county of Kerry from the year 1879 to 1881?—I could not tell you.

11,556. 3,000?—That I do not know.

11,557. How many have you had to do with yourself?—I think about eight.

11,558. On the property of Mr. Arthur Blennerhassett?—Yes.

11,559. All on his property?—Yes.

Cross-examined by Mr. HARRINGTON.

11,560. This meeting that you refer to was held how long before the eviction of Poff?

11,561. (*Sir C. Russell.*) He says November 1880?—It was held, I think, the November before Poff's eviction.

(*Mr. Harrington.*) The eviction, I think you said, was in June?

(*Sir C. Russell.*) He said about May 1881.

11,562. (*Mr. Harrington.*) Do you remember what that meeting was about?—I do.

11,563. Was it in reference to the eviction of a man named Shea?—It was.

11,564. Do you know anything about Shea's holding?—I do.

11,565. What was the Government valuation of that holding, do you know?—I think it was 1*l*.

11,566. And what was the yearly rent?—I believe it was 6*l*. at that time.

11,567. Are you quite sure it was not 10*l*., ten times the valuation?—I do not know.

11,568. Did you hear that referred to at the meeting?—I beg your pardon.

16 Nov. 1888.]

ALEXANDER BENNETT.

[Continued.]

11,569. Did you hear it referred to at the meeting as being ten times the valuation? Come now?—No, I did not hear that.

11,570. Are you sure that the rent is not now 6*l.*?—It is not 6*l.* at present. It was, but it is not now.

11,571. It is reduced still further?—The man has not paid a farthing ever since you made that speech, not a fraction.

11,572. Well, as a matter of fact, we will find out whether that is true. How long had he been evicted?—He was evicted about a month or two before that.

11,573. Now, are you aware that when he was reinstated I paid half the arrears for which he had been evicted. Come, now, on your oath, do you know that?—No, I do not know that.

11,574. Did you know anything of the arrangement made at his reinstatement?—I do not.

11,575. Were you in Court when Mr. Hussey and I made arrangements for the reinstatement of the tenants?—Yes, but I did not hear that you paid any money.

11,576. Did you hear anything as to the condition of the re-instatement?—I heard that the condition was that he was to get back by paying 6*l.* per year.

11,577. And anything as to the arrears?—I did not hear anything at all about the arrears. The arrears were to be wiped out, I believe, what arrears there were.

11,578. Had that man been evicted some time previously, a year or so before, by Mr. Hussey?—I do not think he was evicted.

11,579. Had he been evicted and restored as caretaker?—Yes.

11,580. Do you remember the time Mr. Hussey was standing as a candidate for the representation of Tralee?—I do.

11,581. Do you remember that he allowed this man to till his farm again after he had been evicted?—Well, there was not much tilling on it.

11,582. There was not very much tilling; but was there tilling?—There was a little bit.

11,583. And he had been working it as tenant?—He was. But what he worked it for —

11,584. That will do. Go on, if there is any explanation?—No, go on.

11,585. He had been working it without any form of eviction, or any legal process. I ask you, on your oath, did you take part at Mr. Hussey's instance in tearing down that unfortunate man's house?—I did not.

11,586. Were you present at the tearing down of the house?—I was not.

11,587. Were your men present there?—My men were there.

11,588. And they tore down the house?—They took the roof off of it.

11,589. Without any legal process whatsoever. Was there any other process of eviction after that?—No.

11,590. And when Mr. Hussey prosecuted him as a trespasser, he did not succeed in getting him punished?—Mr. Hussey did not prosecute him as a trespasser.

11,591. Do you mean to say Mr. Hussey did not bring him to the Petty Sessions Court?—He brought him to the Petty Sessions Court.

11,592. For what?—For taking forcible possession.

11,593. Well, you know it is not to the Petty Sessions Court you take him for taking forcible possession. Had not he been warned to leave the place?—He had.

11,594. And was not he summoned as a trespasser?—He was.

11,595. And Mr. Hussey did not succeed in convicting him as a trespasser?—Mr. Hussey did not press the charge.

11,596. How many court days did he go there altogether?—Mr. Hussey is here himself; he can answer.

11,597. You were in Court as a witness?—I do not know anything about it.

11,598. Were you in Court as a witness?—I was not.

11,599. Were you in Court at all during the proceedings?—No.

Cross-examined by Mr. BIGGAR.

11,600. This man Poff was afterwards hanged was not he?—He was, he was executed.

11,601. Were you present at the trial?—No.

16 Nov. 1888.]

ALEXANDER BENNETT.

[Continued.]

11,602. He was tried in Cork, was not he?—I do not know, in Cork, I think.

11,603. You were not present at the trial?—No.

11,604. You do not know whether the jury was packed or not? Do you know whether the jury was packed or not?—I could not tell you, I know nothing at all about it.

11,605. Do you happen to know what the general opinion of the neighbourhood is as to whether or not this man —

(*Sir H. James.*) I must ask a little line to be drawn.

(*The President.*) Mr. Biggar, I am very unwilling to interfere with a gentleman who is acting on his own behalf, but you should not put that question which you put before about the packing, because no witness is in a position to answer that.

(*Mr. Biggar.*) I submit that one of the charges brought against me by the Attorney-General in his speech is that I said at a meeting in this county that it was desirable that prisoners against whom charges were made should have a fair trial. And of course in Ireland it is notorious that jury packing does take place in every political and agrarian trial, so I think it is perfectly justifiable for me, if possible, to prove jury packing does take place. It is so notorious that the Attorney-General for Ireland is known as "Peter the Packer."

(*Sir H. James.*) My Lord, there must be a limit to this.

Re-examined by Mr. MURPHY.

11,606. You have been asked as to your knowledge of this country. Now, prior to 1879, did you ever know of outrages against individuals for paying their rent, and so on?—No.

11,607. What was the position of the peasantry, as far as you could judge, as to their ability to pay rents in 1879?

(*Sir C. Russell.*) I do not think that arises out of my cross-examination.

(*Mr. Murphy.*) Forgive me, you asked about the reductions of rent which I suppose would let in this re-examination?—They were very quiet, and paid their rent punctually up to 1879.

11,608. You have been asked as to secret societies in the county. Did you ever hear of moonlighters before 1879?—No.

11,609. What was the year in which Land League meetings were first held in your county?—The first meeting that I know of was in 1880; a meeting on Shea's farm at Ahane.

11,610. You have been asked, I think, about the reductions that were made in the Land Court, and something, it is suggested, was done by Mr. Harrington. In what capacity did Mr. Harrington attend in the Land Court? What was the capacity in which he attended there, and took any part in the proceedings?—I think he only went there on purpose to assist Shea.

11,611. Did you ever hear this word, landgrabber, before 1879?—No, I did not.

EDWARD HERBERT sworn, examined by Mr. MURPHY.

11,612. Do you live at Ballyduff in Kerry?—Yes.

11,613. I think your father was a publican there, and you succeeded to the business when he died?—Yes.

11,614. In 1874 or 1875 did the county court judge appoint you a county court bailiff?—I believe it was in 1876.

11,615. I will take you at once up to the beginning of 1881. On what terms did you live with your neighbours up to that time?—Oh, on the most friendly terms.

11,616. In the beginning of 1881 did somebody come and make a communication to you about serving processes?—Yes, there were different conversations. They warned me that if I served any papers in connexion with rent that I would get into trouble about my public-house.

11,617. Did you give some promise?—I promised that I would not serve —

(*Mr. Lockwood.*) I think my learned friend did right to put the proper question at first and the witness gave an answer. You were rather following the witness.

(*Mr. Murphy.*) I will endeavour to obviate your objection.

16 Nov. 1888.]

EDWARD HERBERT.

[Continued.]

11,618. Can you tell me one of the persons who came there and made this communication to you. Anyone connected with the Land League?—There were two that I remember well. One was the secretary of the Land League at the time.

11,619. Can you give me his name?—Martin Sullivan.

11,620. Was it to him that you gave this promise?—Yes, and to the other members also.

11,621. What was the promise you gave?—I undertook not to serve writs, but any papers coming from the Barristers Court, I dare not refuse serving them, except I was prepared to give up my position and I would not do that.

11,622. After this time, did you find any alteration in the customers coming to your house?—At the April Sessions of 1881 I got some writs to serve from the landlord of the property, and I returned them. I refused serving them, and immediately after that I got out some ejectment and rent processes to serve.

11,623. (*Mr. Lockwood.*) When was this?—For the April Sessions of 1881. Those ejectments and processes I served, and one of them was against my own father. I served them.

11,624. What happened to you after you had served them?—I remained at Listowel during the Sessions, and the Sunday after I came home I was informed that there was a notice on the chapel gate.

(*Mr. Murphy.*) I will make this evidence in a moment.

11,625. Did you go and look?—I did. I went up immediately and read it.

11,626. What was the notice?—It called on all the people to boycott me severely, and as I was doing the landlord's business, that I should live by the landlords or words to that effect.

11,627. After this were you boycotted?—Yes, immediately, from that day forward.

11,628. Did people come to your house?—No.

11,629. Without going in detail into it, had you difficulty in getting work done for you, and so on?—I had to bring men from Tralee, strangers, and had to pay them once and a half the ordinary hire.

11,630. And your provisions, where did you have to get them from?—I had to bring them also from Tralee,

11,631. That is 12 miles off, I think?—Yes; if I happened to run short some neighbours might steel necessities to me after nightfall. There were people regularly detailed out to watch my house.

11,632. When you walked about what was the conduct of the people towards you?—Once I left my own place, Ballyduff, I went to Listowel. During the whole distance I was hooted all along.

11,633. Hooted and hissed. Were stones thrown at you?—Yes, and at members of my family.

11,634. And eventually did you get police protection?—Yes; I think in 1882 I had police sleeping in my house for about eight months.

11,635. How long did this state of things continue?—It continued until the Land League was suppressed. Immediately then there was a change in the demeanour of the people.

11,636. Did the boycotting ever again begin?—It did not cease altogether, but it partially ceased. I was able to get men in my own neighbourhood to do my work, and I was allowed to get my horse shod in the village, and get any provisions I would require also until the National League was started.

11,637. What happened then?—The thing turned back into the same way as it was before. The very first or second Sunday after they started, the smith was warned not to do any more work for me; and the houses in the village that I was in the habit of getting supplies from were cautioned also not to supply me.

11,638. Had you done anything in the meantime to call upon the National League to interfere with you?—Yes, about the 12th of April, I think, 1881, they commenced the boycotting of me, and I remained in for a month. I thought they would give it up from day to day, and at the end of the month, when I saw they were persevering in it, there was a vacancy as rent-warner on Mr. Stroughton's property, and I applied for it and got it.

11,639. What became of the public-house? Did you keep it on?—I paid the licence for about two years and had to give it up then.

11,640. Why did you give it up?—Oh, I was doing no business.

16 Nov. 1888.]

EDWARD HERBERT.

[Continued.]

11,641. Had you been doing a good business before or not?—Yes.

11,642. And your father before you. Now you have told me the boycotting began again when the National League was established there. Before the National League was established had you taken some land?—I became rent-warner on the 15th May 1881, and the following July there were some evictions carried out on Mr. Stroughton's property. Amongst them there was one farm belonging to a man by the name of Brassle, and that and the others remained a waste commonage for I think about two years until 1883. I took the grazing in 1883.

11,643. When it had been vacant two years?—Yes, it was vacant commonage for two years. I took the grazing of it from May to November; not as tenant.

11,644. Then when was it that the National League was established there?—I think it was early in 1886. I think somewhere about March 1886, as well as I can remember.

11,645. Then when the National League came the boycotting came on again?—Yes.

11,646. I do not know whether you were present or not, or only read the report about it, but did you hear you were named in speeches?—I frequently saw paragraphs referring to me in the local paper, the "Kerry Sentinel," condemning my action, serving landlords' papers.

(*Mr. Murphy.*) We shall give evidence afterwards. I do not want the fact at present. I do not want to prove what occurred.

11,647. Now I want to come to another matter that occurred. I do not know whether you were present when anything happened to your daughter?—I was present when she returned. She was going to a sister's place of mine, about 5 miles, and on the way they were in the act of drawing turf to a man whose son was imprisoned at the time as a suspect. There was a large crowd drawing turf to this house, and when they saw her passing by two or three of the women pursued her, and the child got terrified and went through the country, until another woman took compassion on her and brought her home about 11 o'clock that night.

11,648. What was the age of the child?—Ten years.

11,649. Do you remember anything happening to your father?—Yes, I was inside when he came in bleeding.

11,650. How old was he?—He was over 70.

11,651. Bleeding from what?—Stones. He happened to meet with a band, a band got up in the village. He happened to meet with them.

11,652. Were you present at this, or is it what your father told you?—I was present when he came in bleeding, not at the occurrence.

(*Mr. Lockwood.*) I have interfered, no doubt, before. I do not think it was my friend's question that provoked the answer, still the answer did come.

11,653. (*Mr. Murphy.*) You only heard what occurred from your father?—That was all, but I saw him bleeding when he came in.

(*Mr. Murphy.*) Saw him bleeding; that is what it comes to.

(*The President.*) That is what I have got.

11,654. (*Mr. Murphy.*) Now I come to another matter which occurred to you. Do you remember in June 1886, coming home from the sessions?—From Tralee I was coming.

11,655. At 11 o'clock at night?—Yes, about 11 I should think.

11,656. Half way between Tralee and your house, whilst you were putting your horse into a trot, were you fired at?—I was driving along the road and either 3 or 4—I could not say exactly, I could not distinguish whether it was 3 or 4 of them—they fired, I should say, about 8 or 10 shots at me.

11,657. Were you hit or not?—I was hit in the right arm, and there were about 6 bullet holes put in the overcoat that I wore.

11,658. And some of them, I think, struck the car?—One of them stuck in the wheel of the car at the side I was sitting. They were all fired at the side I was.

11,659. Did you say they were bullet holes?—Yes, the bullet was extracted out of my arm the following day.

(*Mr. Murphy.*) I will not go into the further part of that. For your Lordship's convenience, I hope to be able to prove that on the 21st of May 1886, certain resolutions were passed about this gentleman, by name.

16 Nov. 1888.]

EDWARD HERBERT.

[Continued.]

Cross-examined by Mr. Lockwood.

11,660. I want to ask you something about this last matter of which you have spoken. First of all where did it take place?—At a place called Rasscannon convenient to the village of Abbeydorney.

11,661. How far from the place you live at?—Midway between Tralee. It is six Irish miles.

11,662. Is it six Irish miles from the place you live at?—I live six miles from the place I was fired at.

11,663. Were you alone or was anyone with you?—There was nobody with me.

11,664. Had you your coat on?—I had.

11,665. How many bullet holes were there in the coat?—There were six to the best of my belief.

11,666. I suppose they were scattered all over your body?—It was a long coat and buttoned over my knees, and one of the bullets shot off the bottom.

11,667. That is one. Where is the next?—The others were in the tail of the coat, and the one in the arm.

11,668. I will come to that one presently. That is the only one apparently that succeeded in getting through your coat?—Yes.

11,669. Where were the others?—One shot a button off my knee, and the remainder in the right hand side of the skirt of the coat.

11,670. Where?—That portion of the coat, the skirt.

11,671. What medical man attended you?—Dr. Fitzmaurice, Tralee Infirmary. I went into the Infirmary.

11,672. At Tralee?—Yes.

11,673. How long were you there?—I believe I spent about six weeks there.

11,674. In the Infirmary?—Yes.

11,675. After this shooting at you?—Yes.

11,676. Now, with regard to your little girl. On the occasion you mention she came home at night, you said, what time had she gone out?—It was in the evening. I should say about 3 or 4 in the evening. It was in the harvest time.

11,677. She was brought back by some of the neighbours?—She went away, astray.

11,678. You said just now, in answer to my learned friend, you read the paper called the "Kerry Sentinel." Did you see in that "Kerry Sentinel" from time to time outrages denounced by the Ballyduff branch of the League?—I fear not. There was a neighbour of mine fired at some time subsequent.

11,679. Kindly answer my question?—I remember reading one by a man of the name of Conway.

11,680. I do not know whether you paid attention to my question so as to answer it. My question is whether you read in the "Kerry Sentinel," of which you have spoken from time to time, the denouncement of outrages?—I do not remember on more than one occasion seeing it. On the contrary, they made little of every outrage that occurred.

(*The President.*) What did he say. What is it?

(*Mr. Lockwood.*) My question was as to whether he had read the denouncement of outrages, and his answer is, "On the contrary, they made little of every outrage."

11,681. This Mrs. Staughton, is that the name of the person you became rent warden to?—Yes, her husband lived at that time.

11,682. Am I right in the name of Staughton?—Yes.

11,683. What was the name of her place?—Ballyorgan.

11,684. And you became bailiff to that estate?—Yes.

11,685. Had there been a great number of evictions there?—There were either four or five in that year.

11,686. Before you became rent warden?—No; I was not aware there was anyone before I came.

11,687. When you became rent warden then the evictions commenced?—I believe the orders were up then, but they were not enforced until July.

11,688. How many evictions took place upon that estate, or within that year?—Well, I think there were five, but they were all reinstated, with the exception of one.

11,689. And all these evictions, no matter whether, as you suggest, some preliminary steps had been taken before hand, all the evictions took place after you became the bailiff?—Yes.

16 Nov. 1888.]

EDWARD HERBERT.

[Continued.]

11,690. Were you appointed with the special object of carrying out these evictions?—No, that was never contemplated.

11,691. They were not contemplated before you were appointed?—I believe so. The orders were obtained, I think.

11,692. Have you any knowledge of the amount of reductions that were made upon that estate of Staughton, I mean in the applications that were made to the Land Court?—I was present when most of them were heard. There was a rise up in one case, and there was, I believe, three.

11,693. Listen to the names I am going to read to you, and tell me whether these persons were tenants of the Staughtons. Mary Costello, James Kelly, Patrick Casey?—Kelly nor Casey neither; they are not tenants, neither Kelly nor Casey.

11,694. Casey, of Solby Hook, it looks like?—That is another tenant.

11,695. Timothy Shea?—He is no tenant on the property.

11,696. Dennis Dowling?—Nor him neither.

11,697. John Sullivan?—John Sullivan. Is it Lecker?

11,698. Lecker?—Yes. I think he settled out of Court. I am sure he did.

11,699. Daniel Prayton Tracey?—He settled out of Court also.

11,700. Dennis Ryle?—His case was heard before the Commissioners.

11,701. Patrick Sullivan?—He was also before the Commissioners.

11,702. Another Patrick Sullivan of Ballyorgan?—Yes.

11,703. Richard Conolly?—He is not in it.

11,704. Of Clonleeg?—He is not in it.

11,705. Was he a tenant?—No.

11,706. Daniel O'Donoghue?—Nor him either.

11,707. Patrick Fitzgerald?—He is not a tenant either.

11,708. Michael Kerran?—I had marked the tenants on the Staughton property.

11,709. I will take the names of some of the persons you say who were tenants upon that property. I think Dennis Riley was one. Do you remember his going into Court?—I do.

11,710. Do you know his former rent was 35*l.*?—That was the rent in the books, at all events; but I know it was a rent he never paid.

11,711. That was the rent that was demanded?—Yes.

11,712. At the time of his going into Court do you know that that rent was reduced by the Court to 16*l.*?—I do; and furthermore, I know that he owed arrears of 100*l.*, and they were never claimed from him.

(*Mr. Lockwood.*) My Lords, I have here a table with these figures in, and it is not necessary for me to follow this out with the witness.

(*Sir H. James.*) The names he has given are very few. You should ear mark them. If Mr. Lockwood will kindly mark in pencil the names the witness has given that will do.

(*Mr. Lockwood.*) I will read them through. This is a list of the tenants.

(*Sir H. James.*) It is not the official list.

11,713. (*Mr. Lockwood.*) No, it is copied from one. I will read these names again. Costello?—Mary Costello, that is one.

11,714. Her former rent was 44*l.*, reduced to 36*l.*?—I believe that is so.

11,715. Horgan?—Sylvester Horgan, that is right.

11,716. 96*l.* to 90*l.*?—Yes.

11,717. James Kelly?—He is no tenant.

11,718. Patrick Casey?—Nor him.

11,719. Shea?—No.

11,720. Dowling?—No.

11,721. Dennis Dowling I thought you said was?—No.

11,722. John Sullivan 37*l.* to 32*l.*?—Of Arrah-na-Pogue.

11,723. Daniel Tracey 46*l.* to 40*l.*?—Yes.

11,724. Dennis Ryle is the one I have given you, 35*l.* to 16*l.*?—That is right.

11,725. John Costello 24*l.* to 16*l.* 10*s.*?—That is right.

11,726. (*Mr. Lockwood.*) The next are names of another portion of the property.

16 Nov. 1888.]

EDWARD HERBERT.

[Continued.]

Cross-examined by Mr. BIGGAR.

11,727. You were under police protection, were you?—Yes.

11,728. Whose car did the police drive upon; who supplied the horses for the policeman's car when they were taking you through the country?—There was John William O'Connor driving for some time up to my father's funeral, and he refused driving to his funeral, so they had to get another car.

11,729. You never supplied the horses yourself?—After I had been fired at, and after leaving the infirmary, I was employed a few weeks; there was some complaint made in Parliament about it and my car was stopped.

11,730. Do you know whether the summer of 1879 was a good season for crops?—I know there was great depression that year and the following year and shop-keepers and merchants of every description pounced upon their customers in 1880.

11,731. And the landlords also?—I believe not. I believe the landlords —

11,732. The landlords attempted to levy the full rent for 1879, the bad year?—In some cases they did, but I know on the property where I did business that was not the rule. Some of them owed five or six years' rent and were not pressed for it.

11,733. Do you happen to have heard whether any secret societies existed in the county of Kerry or not?—I never heard of any secret societies at all till the Land League was started in our part of the country. I might read about it.

11,734. I do not mean to say you, of your own knowledge, knew. You heard of it, did you not?—I read of it, but I do not believe there was anything of that nature in our part of the country—at all events, in the county of Kerry.

11,735. Do you suggest the National League was a secret society?—I do not know; I could not say what it was. I never attended; but one thing I have no doubt—that they encouraged these outrages, I am positive of it.

11,736. That is your opinion?—Yes.

11,737. You do not know of your own knowledge?—No; I never attended.

11,738. Did you ever hear of a Ribbon man?—I heard of them a good many stories.

11,739. Have you heard of Whiteboyism?—I have heard of them also.

11,740. You heard of this before 1879?—Oh, yes! hundreds of years ago there were societies of that kind.

Re-examined by Sir H. JAMES.

11,741. You say you have heard of Ribbonism and Whiteboyism?—Yes.

11,742. Did you have Ribbon men and Whiteboys in Kerry?—Not during my recollection.

11,743. You never heard of their moonlighting?—Never up to that.

11,744. Till the Land League interfered, have you ever heard of the word "Land-Grabber," or heard of anybody being ill-treated?—No, sir, never.

11,745. When did you become bailiff of this property to Mr. Staughton?—The 15th of May 1811, and, as I found they were inclined to send me into the workhouse, I was very glad to get some means of living independently of them.

11,746. Did you know the property before?—Yes, I did.

11,747. What had been the terms on which the tenants had existed with the landlords before 1880 or 1881, were they good or bad?

(*Mr. Lockwood.*) How does this arise out of any cross-examination of mine. It is a repetition no doubt of the questions put in the examination in chief.

(*Sir H. James.*) I will tell you what is in my mind. My friend cross-examined to show excessive rents, and read a list of rents from time to time to show there had been great reductions from that rent, I suppose, for the purpose of showing that discontent would naturally arise on account of the high rents.

(*The President.*) I think you are entitled to put it.

11,748. (*Sir H. James.*) What were the terms between the landlord and the tenants before the time of the Land League?—There was some little murmuring I think by the latter end of 1879, they were asking for further reductions from the agent for the property at that time.

11,749. That was the end of 1879?—Yes, and he did not see his way to grant the reductions they were demanding, so there was some little disagreeing going on between them.

16 Nov. 1888.]

EDWARD HERBERT.

[Continued.]

11,750. We have heard of deductions. There was one man you said did not pay his rent?—Yes.

11,751. How many years had he been in arrear?—He owed 100*l.*, and the figures are standing against him still, and I am sure they will never be demanded. That is Ryle.

11,752. What was his rental?—I think it was 30*l.*

11,753. (*Mr. Lockwood.*) 35*l.*?—Yes, he held a mossy farm, and there was some obstruction in the river, and it ran wild for the last nine or ten years, and that accounts for the enormous rents demanded in his case.

11,754. That, you say, he did not pay?—No, and it will never be demanded from him.

Sergeant WILLIAM FLYNN sworn, examined by Mr. MURPHY.

11,755. I think you are in the Irish Constabulary?—Yes.

11,756. Were you stationed at Ballyduff in the beginning of the year 1880?—Yes.

11,757. How long did you remain there?—About four years.

11,758. Was the Land League formerly in existence when you went there or not?—Just beginning.

11,759. Did you know Mr. Herbert, the last witness?—Yes I did.

11,760. After the Land League was started he has told us that he was boycotted?—Yes.

11,761. Is it within your knowledge that he was hooted by the people when he went abroad?—Yes.

11,762. Did you see the notice that he has spoken of that was posted on the chapel?—I did.

11,763. Do you remember the time of his being fired at in 1886?—Yes.

11,764. Did he come to the police hut which had been erected very soon after the outrage?—It was not in consequence of that outrage that it was erected.

11,765. Did he come to the hut shortly afterwards?—He came into my hut. That was shortly after; that is about four miles off.

11,766. The bullet was still in his arm?—Yes.

11,767. His coat had marks of bullets?—Yes, several mark holes.

Cross-examined by Mr. LOCKWOOD.

11,768. You went to this district you say in 1880. Had you any knowledge of the existence of any great distress in this district about that time?—No, I had not.

11,769. At Ballyduff I mean?—No, I had not.

11,770. When was this hut erected for police purposes?—The hut was erected a short time afterwards.

11,771. Was it there before you got there?—No, this had nothing at all to do with Ballyduff.

11,772. There was no special provision of that kind made where Mr. Herbert lived?—He came there at the time I went there in 1880. The barrack was newly formed in Ballyduff. There was a barrack there some time before, and it was broken up, and in the year 1880 it was reformed again.

11,773. Can you tell me when the barrack was in Ballyduff previously?—I could not.

11,774. Some years before?—Some seven or eight years.

11,775. So far as you know, was that barrack established in Ballyduff for the preservation of the peace in that part of the country?—Yes.

11,776. Then there had been disturbances there, and considerable ones?—I believe so.

11,777. Whether those were disturbances caused by secret societies or not you could not say?—I could not say.

Cross-examined by Mr. MICHAEL DAVITT.

11,778. You were in Kerry in 1880?—Yes.

11,779. Did you meet General Gordon when he visited Kerry that year?—No, I did not.

16 Nov. 1888.]

WIDLIAM FTYNN.

[Continued.]

- 11,780 Did you hear of his visit to Kerry?—I did.
 11,781. Did you read it in the papers?—I may have, but I disremember all about it.
 11,782. Did you read he offered 1,000*l.* to a certain landlord, or to his agent, if they would live for one week in one of their tenant's houses?—I did not.
 11,783. You did not read it?—No, I did not.
 11,784. Not in any paper?—Not any paper.
 11,785. What papers do you read?—The "Kerry Reporter."
 11,786. Do not tell us if you read "United Ireland"?—I often read that too.
 11,787. Did you read it in the Kerry paper?—Yes.
 11,788. Do you ever read the "Times"?—Yes; that is the "Irish Times."
 11,789. The London "Times," I mean?—Very seldom.
 11,790. You do not know that he wrote a letter which was afterwards printed in the London "Times," in which he made this offer?—No, I did not. If I did I would tell it out.

Re-examined by Sir H. JAMES.

- 11,791. You have been asked about the secret societies. Do you know of any secret societies in the county of Kerry?—No, I do not.
 11,792. You went there in the year 1880?—In the year 1880.
 11,793. You do not know whether there was police protection before 1880. You do not know anything of your own knowledge, except since 1880?—A few years before, but I was not in Kerry before that time, not in Kerry.

THOMAS CLIFFORD sworn, examined by Mr. ATKINSON.

- 11,794. Where do you live?—I live within three miles of Tralee.
 11,795. Tralee in the county of Kerry?—Yes.
 11,796. Do you know a man of the name of Pat Driscoll, a tenant of Mr. Blennerhassett, of Ballyseedy?—Yes, I do.
 11,797. Was he evicted from his farm in October 1882?—I could not tell you the exact time he was evicted.
 11,798. In the latter end of 1882?—Sir?
 11,799. Was it some time in the year 1882?—I could not exactly tell you.
 11,800. At all events, after he was evicted, were you employed to herd and take care of this farm?—Yes.
 11,801. Where were you living at that time?—I was living at my father's house.
 11,802. How far was this evicted farm from your father's?—About two miles.
 11,803. Were you in the habit of going to the farm every morning?—Yes.
 11,804. Every morning and night?—Yes.
 11,805. Now, some time in the winter after you went to herd that farm, did any people come to your father's house?—Yes, they did.
 11,806. Were you in your father's house at the time?—Yes, sir.
 11,807. Did you hear a knock at the door?—Yes.
 11,808. Did you hear any person outside say anything?—Yes, I did. I heard him say, "Open the door."
 11,809. Was the door then opened?—Yes; my brother then opened the door.
 11,810. Did any people come into the house when your brother opened the door?—Yes.
 11,811. They did?—Yes.
 11,812. How many?—Eight in number.
 11,813. Were they disguised?—Yes, they were.
 11,814. Had they arms with them?—Yes, they had some arms.
 11,815. Did you hear them make any inquiries from your brother, or make any demand?—Yes, I heard them ask my brother where was he working, and my brother made answer and said he was working for Mr. Blennerhassett, in Ballyseedy, and they asked him what doing, and he said, working about the demesne.
 11,816. After your brother made that answer, did you hear these people say anything to him about you?—Yes, they called on me then to come out.

16 Nov. 1888.]

THOMAS CLIFFORD.

[Continued.]

11,817. Did you then go out from the room in which you were sleeping?—Yes, I did, and came to the door.

11,818. What room in the house were these people in at the time?—In the kitchen they were at the time

11,819. You came out from the room. You were sleeping in the bedroom?—Yes.

11,820. When you came out did anybody come in to you?—Yes, one of them caught me by the shoulder and brought me into the middle of the kitchen.

11,821. Were the others standing round in the kitchen?—Yes, they were.

11,822. Did he do anything to you, or did he say anything to you when he brought you into the middle of the room, before he did anything?—He asked me where I was working. I made answer for Mr. Blennerhassett, of Ballyseedy, and they asked me what doing, and I told them—

11,823. You told them what?—I told them I was working along with Mr. Blennerhassett, in Ballyseedy, and they said why did I go in these places.

11,824. Was there anything said by them about this farm that you were taking care of?—No, they did not say anything about the farm at all.

11,825. When you told them that, what happened?—They ordered me on my knees.

11,826. Did you go on your knees?—Yes, I had to go on my knees and one of the men, who had a gun, placed the muzzle of the gun at my breast, and said he would drive what was in the gun through my heart.

11,827. As he said that, did another member of this band of men who came, say something?—Yes, they did.

11,828. What did this other one say?—He said not to fire.

11,829. When he said “not to fire,” what next happened?—I got up off my knees then and one of the men, masked with a hair skin on his face, fired a shot.

11,830. At you?—Yes.

11,831. Did you cry out anything when he fired at you?—I cried out my leg was broken.

11,832. Were you in point of fact hit at all?—Not at the first shot.

11,833. You were not hit, but you cried out your leg was broken?—Yes.

11,834. You thought you would put them off?—Yes.

11,834a. When you cried out your leg was broken, what happened next?—One of the men raised up my trousers.

11,835. To see whether your leg was broken or not?—Yes, and he went back to the man who had the revolver and told him the ball did not succeed.

11,836. After making that report what next was done?—The man who had the revolver fired three shots in quick succession then.

11,837. At you?—Yes.

11,838. Were you hit on the second occasion?—I was.

11,839. Where?—In the thigh.

11,840. Did you cry out on the second occasion?—No, I did not.

11,841. Did they leave you then?—Yes, they dispersed then.

11,842. Did one of them remain behind the others?—Yes, he did.

11,843. Before going away, did this last man say anything to you?—Yes, he did. He raised the stock of the gun over my head, and said the next time I go to this place, the next night they visited me they would cut off my head.

11,844. Did you report all this to the police the next day?—Yes.

11,845. Were you in the County Infirmary?—Yes, I was.

11,856. For how long?—Six weeks and three days.

11,847. After you came out of the infirmary, did you continue to herd this farm some time?—No, I did not.

11,848. Have you been on good terms with your neighbours up to the time you began to herd this farm?—Yes.

11,849. And since you have given it up are you on good terms?—Yes.

11,850. Had you done anything to cause enmity except taking care of the farm?—No, I had not.

11,851. Did you know who the men were at all?—No, I did not.

11,852. Was there any person brought to justice for it?—No, there was not.

11,853. You have said before that they had masks on, and you were not able to recognise any person?—No; I was too much excited.

16 Nov. 1888.]

THOMAS CLIFFORD.

[Continued.]

11,854. Would you have been able to recognise them from the way they were masked even if you had known them?—No; it was impossible.

Cross-examined by Mr. LOCKWOOD.

11,855. Tell me, you are speaking now of the year 1882, are you not?—Yes.

11,856. What time of the year?—The 6th November 1882.

11,857. Do you suggest there was any branch of the League in that neighbourhood?—Yes, there was.

11,858. Where?—It was in Tralee and Ballymakillygate.

11,859. At the time you spoke of, November 1882, was there a branch of the Land League at this place at that time?—Well, I could not exactly say, not at that time.

11,860. You do not know?—No.

11,861. Now, one question with regard to you. Have you any land in your own hand?—Yes, I have.

11,862. You have now?—Yes.

11,863. Of Mr. Blennerhasset?—Yes.

11,864. How long have you had this land?—My father had it this long time, but my father is dead now.

11,865. And you have taken the land that your father held?—Yes.

11,866. What rent did you pay?—I paid five guineas.

11,867. Did you go into Court?—No.

11,868. Did you give the notice?—No.

11,869. Did others go into the Court?—Yes, they did.

11,870. I mean those who lived around you?—No, they did not. Oh, yes, they did, I beg your pardon.

11,871. Well, after the others had gone into Court and got a reduction, did you get a reduction yourself?—Yes, I did.

11,872. Paying five guineas, what did you get it reduced to?—I have got it at 2*l.* now.

11,873. What wages were you getting?—9*s.* a week.

11,874. That is for your labour?—Yes.

11,875. Have you a family?—No.

11,876. Now, tell me this. I suppose you know what can be made out of land in that part of the country perhaps as well as anybody?—Yes, I know.

11,877. Could anybody make a living out of the land paying five guineas a year?—No, they could not.

11,878. I dare say it is hard enough to make a living paying 2*l.*?—Yes, sir, it is bad enough.

11,879. You said, when I asked as to the question of the Land League, that you did not know it existed in November?—No, I did not.

11,880. Can you give me the names of any of the men who were associated with the League in your district?—I could not.

11,881. I mean any of the principal men?—No, sir.

11,882. You did not know any of them?—No.

11,883. As far as you know, were there any men of the Land League who had any grudge against you?—No, I did not know anything at all about the Land League.

11,884. Nor did you suspect the Land League of at all interfering with you?—No.

11,885. You will answer me, I am sure, fairly, have you ever considered that the Land League had anything whatever to do with this ill-treatment of you?—No, sir.

Re-examined by Sir H. JAMES.

11,886. You are living in this neighbourhood now, are not you?—Yes, I am living.

11,887. Is there a Land League in your neighbourhood there?—I could not tell you whether there is a Land League there now.

11,888. You told my friend you had heard of the Land League. Have you heard of the Land League that you mentioned at the two places, Tralee and another place?—Yes.

16 Nov. 1888.]

THOMAS CLIFFORD.

[Continued.]

11,889. Do they exist now or not?—I could not tell you whether they are there now.

11,890. When did you last hear of them?—In 1884.

11,891. Do you know whether they have ceased as Land Leagues to exist or not?—I could not tell you.

11,892. You do not talk much about them, do you?—No.

11,893. What is the acreage of the land you occupy; how many acres do you hold?—Five acres.

11,894. If you got the land for nothing could you make a living out of five acres?—I could not.

11,895. I wish to be quite clear. Have you ever paid to Mr. Blennerhassett 2*l.* instead of five guineas. Have you ever paid 2*l.* rent to anyone?—No.

11,896. What do you mean by paying 2*l.* rent? Have you contracted to purchase your land or not?—No, sir.

11,897. What do you mean by saying you had 2*l.* rent?—That I got a reduction from 5*l.* to 2*l.* to Mr. Blennerhassett.

11,898. Did you pay 2*l.* to Mr. Blennerhassett?—Yes.

11,899. Just think. Have you paid 2*l.* to Mr. Blennerhassett, and if so when?—He noticed me for to pay it, but I did not pay it.

11,900. When did you have notice to pay that rent—that 2*l.*?—It is about three months ago.

11,901. You have never paid 2*l.* rental, I think?—No.

11,902. Have you had any contract or negotiation to purchase under Lord Ashburne's Act, if you know what that means?—No.

11,903. You never heard of it?—Is it the Purchase Bill.

11,904. Yes?—Oh, yes, yes. I did not understand you.

11,905. Is that the sum you are to pay under any purchase contract?—Yes, under my purchase contract.

11,906. That is the sum you are to pay under the purchase contract?—Yes.

11,907. You approve of that to pay 2*l.* instead of 5*l.*?—Yes.

11,908. (*The President.*) You asked him whether he paid 2*l.* Did he pay the 5*l.*?—Yes, I paid the 5*l.*—at least my father did.

Adjourned till Tuesday morning at half-past ten.

W. D. Davitt

“*Uncorrected Proof.*”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT No. 1,

Tuesday, 20th November 1888.

(*The Attorney-General.*) My Lords, we are endeavouring to the best of our ability to arrange the witnesses so that they really may be, as far as possible, connected with each outrage complete; but, my Lords, in the county of Kerry we have the greatest difficulty as to the witnesses in consequence of causes which I shall have to bring to your Lordships' notice; and I regret to say that I now have to ask your Lordships to call on Mr. Edward Harrington, who is in Court, or rather to ask your Lordships to call upon Mr. Edward Harrington in order that some steps may be taken in reference to an article in the “Kerry Sentinel,” which is owned by Mr. Edward Harrington, on the 14th November in the present year 1888. My Lords, I propose to read that article. Mr. Harrington is in Court at the present moment. I have the certificate of the ownership of the paper by him; the paper has been handed to me this morning.

(*Sir C. Russell.*) Are you going to begin with this?

(*The Attorney-General.*) Mr. Harrington is in Court, and it is important, in connexion with what is happening about the Kerry witnesses, that this matter should be dealt with by your Lordships.

(*Sir C. Russell.*) Surely you ought to have given some notice of this?

(*The Attorney-General, reading.*) “The Judges are showing the measles now, though at the beginning of the inquiry they seemed spotless. The open row between them and Sir Charles Russell a few days ago threatens to be only the beginning of a series, if they do not make some attempt to veil their manifest prejudice. A Galway peasant named Connaire was browbeaten and given into custody on Thursday last for incoherency of evidence, and openly treated by Judges Hannen and Smith as a perjurer on account of an inconsistency in swearing, which has yet to be proved. Next day a sergeant of police named Claney perpetrated the most astounding feats in swearing without one word, hint, or shrug of reproof from the Judges. Hannen is a decided and determined class of man, and even the papers friendly to the Irish members are not in a hurry to come in conflict with him. The result is that necessary comment is often avoided, and there have been cases of where the very reports are watered down both in English and Irish papers affecting to be friendly to Mr. Parnell, lest it is presumed they should risk the ire of the President of the Commission. But this will not do, for the least the Irish members may claim is that the public shall have ample, exhaustive, and unculled materials for judging the acts and the motives attributed to them. The Commission is the creature of the Government and “Times” conspirators, and there must be no blinking the fact that Irish members never had and never got the chance of having any confidence in its fairness. A committal or two for contempt will fix this fact in the public mind, when Irish and Radical newspapers are forced to draw public attention to the evident bias of the Judges.” My Lords, I do not read other passages from the article for the moment, but I do ask your Lordships to note in connexion with this paper, which is the “Kerry Sentinel” published in the county of Kerry, and which in the same copy says “cheques and post office orders to be made payable to E. Harrington,” and that Mr. Edward Harrington, of 24, Nelson Street, Tralee, is the proprietor, that he states that the tribunal is prejudiced, that the Judges are biased, that a Galway peasant named Connaire was browbeaten and given into custody for incoherency of evidence, and openly treated by Judges Hannen and Smith as a perjurer on account of inconsistency in swearing, which has yet to be proved, that a sergeant of police, named Claney, perpetrated the most astounding feats in swearing without one word, hint, or shrug of reproof from the Judges, and finally that the Commission is the creature of

20 Nov. 1888.]

THE ATTORNEY-GENERAL AND OTHERS.

[Continued.]

the Government and "Times" conspirators, and there must be no blinking [the fact that Irish members never had and never got the chance of having any confidence in its fairness. I do not want at the present moment to bring before your Lordships what I may have to do, in connexion with the difficulties of getting the Kerry witnesses, but I do submit to your Lordships that for such an article to be published at the very time that the Commission is sitting by one of the gentleman who is implicated in these charges himself, and appearing here through counsel, and a gentleman also connected with the paper appearing here as counsel—

(*Mr. Timothy Harrington.*) No.

(*The Attorney-General.*) I beg to withdraw that. I have been misinformed as to that. I make my observation only with regard to Mr. Edward Harrington. I say that such an article is not only calculated to defeat the ends of justice, but is a very gross contempt. There have been other cases of the same kind, but this is a matter which the moment it was brought to our attention we thought should not be passed over. And in connexion with this particular part of the case I do ask your Lordships to take some steps, Mr. Harrington being before the Court at this time, and your Lordships being in a position to deal with it. My friend, Sir Charles Russell, says that I ought to have given some notice. I will only say this, that knowing that Mr. Harrington was here and the thing speaking for itself—he being a defendant himself or being one of the persons charged—I will not use the word defendant, but being one of the persons charged and being represented by counsel, it did not occur to me that any notice was necessary, and I thought it best and fairest to bring the matter at once before your Lordships. If the ownership of the "Kerry Sentinel" is disputed of course I have the certificate of the ownership by Mr. Edward Harrington to put before your Lordships.

(*Mr. Reid.*) My Lords, I appear in this matter for Mr. Edward Harrington. Mr. Timothy Harrington who appears as counsel has no concern in the paper at all; and it entirely rests upon the other Mr. Harrington whom I represent. In the first place I would ask your Lordships, and I am sure I shall not ask it in vain, to dismiss entirely the allusions the Attorney-General has made in his observations to other matters and to other cases, without referring to them. It is a practice which the Attorney-General has certainly indulged in more than once in the course of this inquiry. If there are any such cases let those cases be brought forward. This case is the case I consider I have to deal with. With regard to the article handed up to your Lordships I wish to say this—I came into court about three or four minutes ago, and I found the Attorney-General actually in the act of making an application against a gentleman I represent without having given any notice whatever, any time for consideration, any time to communicate with Mr. Harrington, except such communication as one can have on the spur of the moment, for any opportunity for explaining by affidavit or otherwise; and I do think that notwithstanding what the Attorney-General says that Mr. Harrington is here and represented by counsel, which is true, that the ordinary rule, especially when it relates to such a matter as committal, or the exercise of discipline by the Court,—the ordinary rule of giving notice is a salutary and a first rule, and ought not to be disregarded under any circumstances. That I say without any hesitation at all. Nor has the Attorney-General offered the slightest explanation of why he should not give notice—no reason whatever—no reason or difficulty why he should not have given me notice, or given my client notice, of the serious matter which he has brought to your Lordships' attention. Under these circumstances I am bound to say that at the present moment I am not in a position to deal with this matter; and first I will ask your Lordships—and I think I shall not ask it in vain—that the further consideration of this matter shall be referred until to-morrow morning to give me an opportunity of conferring in some sort of decent interval with the gentlemen I represent, and so ascertaining the whole of the facts, and then being able to lay before your Lordships' my position. I only ask for 24 hours.

(*The President.*) I think that is perfectly reasonable.

(*Mr. Reid.*) That is all I ask.

(*The Attorney-General.*) While only asking that that may be agreed upon, I point out that in reference to a personal observation with regard to myself, that the paper was put into my hands ten minutes ago as having come over from Ireland. I had no means whatever of making a communication to my learned friend, nor an opportunity of doing anything more than telling my friend, Sir Charles Russell, that I was going

20 Nov. 1888.]

THE ATTORNEY-GENERAL AND OTHERS.

[Continued.]

to call the attention of the Court to the "Kerry Sentinel." I did not even know at the time that Mr. Reid was the particular counsel representing Mr. Harrington. But I wish to point this out to your Lordships, that my learned friend's observation was evidently made with reference to some course he considered that I ought to take.

(Mr. Reid.) It stands till to-morrow morning?

(The President.) Yes.

(Mr. Reid.) If your Lordship pleases.

(The Attorney-General.) Will your Lordships allow this witness to be seated. We were unable to call him the other day because he sustained an injury here.

(Mr. Reid.) Will your Lordships allow me to see the newspaper in question?

[The newspaper was handed to the learned Counsel.]

JOHN COLLOTTY sworn; examined by Mr. ATKINSON.

11,909. Do you live at a place called Carker, near Castleisland, Co. Kerry?—Yes, not of late.

11,910. But some time ago did you live there?—Yes.

11,911. Where do you live now when you are at home?—Well, I holds this place, but I live at Ballintubbrid.

11,912. Is that near Carker?—Yes.

11,913. When did you go to live at Ballintubbrid?—About the 3rd August 1883.

11,914. Did you take a farm there?—I did.

11,915. Before you went to that farm what business did you follow?—Well, I was a farmer, and I was a rent warner.

11,916. On whose estate were you rent warner?—I was rent warner on Miss Mary Busteed's estate and Miss Ann Busteed's.

11,917. Two sisters named Busteed?—Yes.

11,918. Where was their estate situated?—Well, in the division of Carker.

11,919. That is near where you live yourself?—Yes; there was some that wasn't.

11,920. How far was that from Castleisland?—Something about 5 or 6 miles.

11,921. Were you on good terms with all your neighbours up to the end of 1879?—I was, and up till 1880.

11,922. Did you know when the Land League was established in Castleisland?—I did.

11,923. When do you say it was established?—The first that I saw was about 1880.

11,924. Did you attend any meetings?—I did in 1881; only one.

11,925. As soon as it was established, did you observe any change in the demeanour or conduct of your neighbours towards you?—Well, the time I saw the change was at the beginning of the meetings of 1880—about October 1880.

11,926. And what was the change; in what did it consist?—Well, I found that they did not want any rent warner as far as paying any rent.

11,927. Did they behave differently towards you?—Oh, yes.

11,928. What did the difference consist in?—In 1880 the people were very much against paying rents, and considered the rents very high according to the speeches made.

11,929. And how did they change in their behaviour to you?—I did not see much change in them against me until October 1881.

11,930. And in October 1881, did you observe any change?—I did. I accompanied a bailiff to serve some writs on the estates.

11,931. What for—to point out?—Yes, to point out the tenants.

11,932. When was this?—About 5th October 1881.

11,933. After October 1881, when you accompanied the bailiff, did you attend a meeting of the Land League?—I did.

11,934. Where was the meeting held?—I attended the meeting before serving the writs at all.

11,935. But about the same time?—No, before it.

11,936. How long before it?—About the 11th of June 1881.

11,937. Who were the speakers?—Oh, I cannot say, they were clergymen and farmers speaking, but I do not know who they were.

20 Nov. 1888.]

JOHN COLLOTT.

[Continued.]

- 11,938. Do you remember what you heard said?—Well, I do some of it.
- 11,939. Tell us what you remember?—There was an evicted farm quite near, and they said that it should stop there idle, that no man should take it, and the agent of the estate was Mr. Herbert, and they denounced him and said they would make him a remarkable man, although they would not touch the hair of his head.
- 11,940. Was anything said about yourself?—Not at that meeting indeed; but at Scartaglin a priest came out and a man in the crowd asked if I was there, naming my name, and I left and went home. I do not know what went on there.
- 11,941. Who was the clergyman?—Father O'Callaghan.
- 11,942. Is Scartaglin your parish?—It was at that time.
- 11,943. Do you remember what he said?—I do not know. The priest did not say anything, to my knowledge, but I heard some person in the crowd ask out my name, if I was here.
- 11,944. Then you went away?—I went home.
- 11,945. After that were you able to stay in your house at night?—Oh, no.
- 11,946. How used you to spend the night?—The morning the bailiff come to me a neighbour of mine come and a friend to me, and he said that I was afraid.
- 11,947. The morning the bailiff came to you?—Yes.
- 11,948. Was that the bailiff who brought out the writs?—Yes, and a friend came to me and said he was afraid I was doing myself great harm.
- 11,949. You cannot say what the neighbour said; did he say something to you?—I would injure myself if I went with the bailiff.
- (*Sir C. Russell.*) Was this in October 1881?
- (*Mr. Atkinson.*) He says when the bailiff came.
- (*The President.*) He says, "I went to serve writs in October 1881."
- 11,950. (*Mr. Atkinson.*) After the bailiff made this communication to you, did you stay in your own house at night?—I did not. There was many offences thrown in my face about it. I see the people passing me and would not speak to me, and I saw crimes and people murdering, and then I got afraid.
- 11,951. Do you mean you saw these things being done?—No.
- 11,952. Or that you heard of them?—Yes.
- 11,953. And then you got afraid you said?—I did.
- 11,954. Where did you pass the night?—I would walk out and lie in the ditch, or I would walk out some distance from my farm to the cowhouses.
- 11,955. How long did this continue?—It continued for some months, until I got tired of it.
- 11,956. After that, did you make a place in your house where you could go to hide?—I did.
- 11,957. If anybody came to look for you?—Yes.
- 11,958. Do you remember one night being in your bed when a party came to your house?—I do.
- 11,959. About what time was this?—As far as I can remember it was about 1 or 2 o'clock.
- 11,960. About what time of the year? About what date?—It was the morning of the 12th March, I believe.
- 11,961. About what year?—188
- 11,962. Did the men who formed this party get into the house?—Yes.
- 11,963. Did they knock at the door before they came in?—Oh, yes.
- 11,964. When you heard them knocking did you go into this hiding place of yours?—I did.
- 11,965. Where was that?—It was in the bedroom. The two beds were at the end of the room, and I put up one and turned myself round and got inside it.
- 11,966. When they came in—this party—were you able to see them from where you were?—No, I could not see them, but I heard what they said.
- 11,967. You heard what they said?—Every word.
- 11,968. What did they say?—I put my clothes before me. My wife asked them where they were going to, and who they were. They said they were police, and asked where her husband was. She said her husband was not inside. One of the men asked where he was, and she said he was gone to his mother's place. One of them came out and said that he was at the house late in the evening, and they put

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

her on her knees and put a gun to her face and said they would blow her down if she did not tell where I was. She said she was satisfied, and they took her up and pushed her before them. They took her up into the bedroom where I was and searched the house and searched round and searched over my head, and I listened to everything. And they said I served writs, and she said I didn't. And another man said I said I would serve them next time without a bailiff at all. Well, I did say it too.

11,969. Whom did you say that to?—I said it to one Michael Daly on the 20th October at the fair.

11,970. Are you able to say whether that man Daly was among the crowd?—I could not tell.

11,971. Did they then go away?—They said if they got me they would never let me walk a step again. It was as bad when I accompanied the bailiff as if I had served the writs.

11,972. Did they then go away?—They then went away.

11,973. Did you get police protection after that?—I did, at night.

11,974. The police were not with you in the daytime?—No.

11,975. About what time did the police come to you at first?—Some time after that.

11,976. Do you remember on the 17th April 1882 being in your house about 7 o'clock in the evening?—I do.

11,977. What part of the house were you in?—I was in the kitchen.

11,978. Were your children round you?—They were.

11,979. How many of them?—Eight.

11,980. Had the police arrived at this time?—No.

11,981. Did you serve any writs or accompany the bailiff in the service of any writs between the visit of the people in March and this visit in April?—No; but there was an eviction pending for the writs that were served before—for one of the four writs there was an eviction for that date, about the 20th April.

11,982. Did two men come to your house on the night of the 17th April?—They did.

11,983. Did they come into the kitchen where you were?—Yes.

11,984. Were they disguised?—They were.

11,985. Was there any person in the house except yourself and your children?—There was another boy.

11,986. Was he the servant boy?—No, he was the assistant teacher.

11,987. The national school teacher?—Yes.

11,988. When they came into the house to you did either of these men do anything to you?—One of them took a spade from outside the door and brought it in right before him, like this (*describing*), and he came up towards me and laid it down on the ground, and then he came to me and caught me by the coat. I said nothing, but I caught him by the waist, and tumbled him on the floor.

11,989. You knocked him down?—I knocked him down.

11,990. Did he say anything as to what brought him there?—No more than to come out, that he wanted me.

11,991. What did you say when he asked you to come out?—I said nothing until he was down, and then I asked him what he wanted me out for.

11,992. What next happened?—The next man came at me with a stick, and I was guarding myself, and then I was down on my knee, and he takes a revolver from some part of his clothes, and I takes hold of it, and turned it towards him, and I was defending myself from the stick.

11,993. You turned the revolver round?—Yes.

11,994. Did you do anything to the second man who was making blows at you with the stick?—Yes; I took hold of him, and took the handkerchief from off his face.

11,995. You pulled the mask off him?—Yes.

11,996. As soon as you pulled the mask off him did you do anything?—Yes, he took this spade, which the other man had dropped on the floor, and he struck me there a blow (*on the forehead*) with the end of the spade.

11,997. At the time you got that blow were you still holding the revolver of the man who was down, turned towards him?—Well, for a little bit; I did not know where I was, but I soon recovered, and I had the revolver in my hand.

20 Nov. 1888.]

JOHN COLLOTT.

[Continued.]

11,998. Were you unconscious for the moment?—Yes.

11,999. When you returned to your consciousness, what was done to you?—He caught me here then (*by the neck*).

12,000. Who?—The man who had the spade pulled me back off the man who was under me, and I kept the revolver as I had it.

12,001. That is turned away from you towards your assailant?—Yes; but he struck me here again.

12,002. Who did?—The man with the spade gave me another blow with the spade. I did not know what happened to me then. I got a shot in the left leg and I did not feel it at all.

12,003. Were you able to say which of them did it?—The man under me.

12,004. Shortly after that were you shot again?—I do not know how soon, because I did not feel the shot at all, and when I recovered myself then I had my two hands, and the man who was under me was like this (*with his hands in his neck*), he laid the revolver down near this leg, and let the shot go through it.

12,005. Through your right leg?—Yes.

12,006. Did he set your trousers on fire; it was fired so close to you?—Yes.

12,007. And did your children come and put out the flames?—Yes, when they saw it, in the course of some time.

12,008. That second shot shattered your leg?—Yes.

12,009. And had you to get your leg amputated?—Yes.

12,010. Was one of those men convicted?—Yes.

12,011. And was he sentenced?—The man with the spade got 30 years.

12,012. What was his name?—David Fleming.

12,013. Did you know him before?—Yes.

12,014. What was he?—He was a farmer's son.

12,015. Did you see him attend any meeting of the League?—Oh, no.

12,016. After that you went into the infirmary, and I suppose you were confined there for some time?—I was in the infirmary till the 7th October.

12,017. When you came out of the infirmary how did your neighbours treat you?—Before I went to the infirmary at all they put out threatening notices to me; boycotting notices.

12,018. Did you see any of those notices?—Yes, on the morning of the 6th May there was a notice found in the Ardtully road near the bridge, offering 100*l.* reward for any man's name who did anything for me.

12,019. What became of the notice, did you read it yourself?—No, my son got it and brought it home and gave it to the police.

12,020. Did you yourself read it?—No, it was read for me.

12,021. What was the name of the policeman to whom you gave it?—I am not sure now, but I saw it with Mr. Huggins after.

12,022. The constable at Castleisland?—Yes, the evening after that same notice.

12,023. Before you were wounded at all, did the people boycott you?—Yes, every day from my house.

12,024. And do you still continue to be boycotted?—The same.

12,025. Lately, since the National League was established, has boycotting ceased at all?—I cannot see any improvement as far as I am concerned myself.

12,026. Are you still under police protection?—Oh, indeed but I am, or I would not be here.

12,027. Are you able to get your horses shod?—Not nearer than Tralee.

12,028. How far is that away?—Something about 20 miles.

12,029. In the intervening distance, in any of the towns between, could not you get them shod?—No, I did my best; I went to the district inspector and he did his best, I believe, to get it done.

12,030. Did one of your children die some time ago?—That was in 1886.

12,031. Were you able to get a coffin for her in any of the places handy?—No, it was the district inspector that got it.

12,032. Where did he get it?—I cannot say; but he got it at all events.

12,033. It was through the police, at all events, that you got it?—Oh, yes.

12,034. Did any of your servants leave you?—I had only one boy, and he was called to the League in Scartaglin, and he left.

12,035. Had you what you call a pew in Scartaglin Chapel?—I had.

12,036. Did anything happen to that?—It was taken away.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

12,037. Do you know Father O'Callaghan?—Yes.

12,038. Is he the President of the League at Scartaglin?—I do not think there was any priest had anything to do with that League.

12,039. Of the Land League?—The National League that was held there. At least I did not hear.

12,040. Have you still this farm?—I have.

12,041. You have kept it since, notwithstanding this?—Yes.

Cross-examined by SIR CHARLES RUSSELL.

12,042. Just tell me, please. Where were you living in 1880?—At Carker.

12,043. What is the name of the place?—Do you mean in 1880, Sir.

12,044. In 1880 where were you living?—In Carker. I was living in Carker since 1865.

12,045. Had you a farm there?—Yes.

12,046. Under whom?—Miss Busteed.

12,047. When did you leave that?—I have it still.

12,048. But you do not live there?—No.

12,049. When did you leave Carker?—About August 1883.

12,050. What is the name of the place (I did not catch it) where you now live?—I live at Ballaghantouragh.

12,051. You live there?—I do.

12,052. You did not go there till August 1883?—Yes.

12,053. I think you said that was an evicted farm?—Yes.

12,054. Now you did not go there, therefore, until after you were begun to be boycotted?—Oh, I was boycotted before.

12,055. Attend, attend, and until after you were shot?—Yes.

12,056. So that up to the time that you were shot on the 17th April 1882, you had done nothing whatever except point out to the bailiff some places that he wanted to know when he was serving writs?—Well, I was serving notices for rent up to the time I was shot, and after, and up to 1883 all through.

12,057. You had not told us that. You were not asked that and you did not say that. You did assist some bailiff you mentioned?—I did.

12,058. What was his name?—Fitzchallor, from Tralee.

12,059. For whom was he acting?—For Mr. McCullen, who was agent for Miss Busteed.

12,060. Whose tenant you were?—Tenant to Miss Busteed.

12,061. You were also, you say, serving notices yourself?—Yes, as far as calling on tenants, but not writs of ejectment.

12,062. Simply the ordinary notices to come in and pay rent?—Yes.

12,063. That is all?—That is all.

12,064. Therefore I am right in what I put to you, that up to the time you were visited in March and up to the time that you were wounded in this brutal way in April 1882 you had done nothing in the way of assisting at any eviction or eviction notices?—No, we had not an eviction at all, or a seizure.

12,065. The Court will see why I am asking you these questions in a moment or two. What was the nearest Land League to Carker, where you were living from 1880 to 1883?—Castleisland.

12,066. How far was that from you?—I suppose it was about six miles.

12,067. That was the nearest branch of the Land League?—It was at that time.

12,068. I am talking of that time. Was there any branch of the Land League nearer up to April 1882?—No.

12,069. Then up to the time you were shot in April 1882 there was no Land League branch nearer than Castleisland?—No.

12,070. You have said something about meetings. I want to understand this. You said that in 1880 the people considered—I am not sure I have your right words, but you will tell me—that the rents were very high, according to the speeches. That was the purport, I think, of what you said?—Yes, but I believed the speeches was the cause of their disturbance, and part payment of their rents.

12,071. I was not asking you that. I see that you have come to say that, but I was not asking you that, and if you wish to be believed, you had better not volunteer answers.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

(*The Attorney-General.*) I submit the witness has done nothing to justify that observation.

(*Sir C. Russell.*) It was no answer to any question I was asking.

(*The President.*) It does not appear the man was intending to fence with you. No doubt he has something strong on his mind, and he blurts it out.

12,072. (*Sir C. Russell.*) You said that, did you not,—what I have put to you, that the people considered the rents were very high according to the speeches?—Yes.

(*The President.*) I did not catch those words myself before.

(*Sir C. Russell.*) Yes, my Lord, he used those words.

(*The President.*) I did not catch them.

(*Sir C. Russell.*) I think he used them. I could not be very distinct about them, but I think he did.

12,073. Now, will you tell me what speeches you refer to?—The meeting in 1880 in Castleisland—in October or about, and —

12,074. One thing at a time, Mr. Culloty; I have a good deal to ask you. The meeting in October 1880, in Castleisland?—Yes.

12,075. You have not told us about that. Were you at the meeting?—No.

12,076. Can you tell me anybody that was?—No.

12,077. Did you read an account of it in the papers?—No, I believe they were all around there, but I cannot say. I was not there.

12,078. You know, you say according to the speeches; you were not at it yourself?—No.

12,079. You read no account of it?—Yes.

12,080. Did you have any account of it read to you?—Well, I did, and I was told about it as well.

12,081. By whom? By whom had you an account read, or by whom were you told of it?—It was published all round by every man.

12,082. Then it was public information. Then you will please tell me, sir, did you hear the names of anybody who spoke at that meeting?—Well, I did hear their names, but of course I could not swear that.

12,083. Tell my Lord their names?—I heard that Mr. O'Connor and Biggar spoke there, but I do not know how true it was.

12,084. In October 1880, at Castleisland?—Yes.

12,085. Mr. O'Connor and Mr. Biggar?—Yes.

12,086. Did you think the rents were too high?—Well, I cannot say, but according to the taxes that fell in 1880 the rents were too high; but if they were too high in Castleisland they were too high all over Kerry.

12,087. Did you think they were too high all over Kerry?—Well, it is my belief they were high enough at any rate.

12,088. I had better follow up, by the way, what you refer to. You referred to some taxes?—The tax come since 1880.

12,089. Was that for malicious injury?—Yes, police tax and compensation tax.

12,090. Compensation for malicious injury and the police tax?—Yes, since 1880.

12,091. Do you think, apart from that, that the rents were too high?—I do think they are too high at present according to this tax.

12,092. I mean, supposing there were no taxes of that kind at all, was it your opinion they were too high?—I believe the tenants of Ireland did very well with the Land Commission Court and Lord Ashbourne's Act, but for the tax.

12,093. Supposing there had been no tax at all, do you think the rents were too high or not?—At present.

12,094. In 1880 I am asking you about, aye or no, Mr. Culloty?—Well, there was a fall in 1880.

12,095. Did you think they were too high or not?—My opinin is that they were.

12,096. That is what I think. You might tell me at once. I thought you had said so before. Now the next meeting you referred to was a meeting on the 11th June 1881?—Yes, or about it, some time then.

12,097. You mentioned that date. I presume you mentioned it because you were told it. Where was that meeting?—It was held at Knocknabul.

12,098. Where you there?—I was.

12,099. Now will you tell us some of the speakers there?—I could not say.

12,100. Tell us one of them at the Knocknabul meeting?—I saw only a farmer I knew, from Scartaglin.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

12,101. Can you tell us the name of any person?—That is all that I remember now.

12,102. Let us see if I understand this. Somebody in the crowd asked if you were there?—Not there, but at Scartaglin. That was asked where Father O'Callaghan spoke after going out from mass.

12,103. I thought you mentioned that at the meeting in June?—I only told the truth.

12,104. What took place at the meeting in June 1881, as I understand was, as far as you understood, that there was some talk about an evicted farm, and that it was to be left idle?—Yes.

12,105. Whose was the farm?—I believe the estate belonging to Mr. Horton.

12,106. And I think you said something about this, that they were to punish him, but they were not to touch a hair of his head?—Yes, they would make him a remarkable man. There may have been more than that said, but that is all I caught.

12,107. Of course there may have been more than that said. We are asking what you are swearing to?—They would make him a remarkable man, although they would not touch a hair of his head.

12,108. Who was it who made that remarkable speech?—I could not say, but it was said from the stage.

12,109. Will you tell me when this meeting at Scartaglin was held?—It was only after coming out from mass.

12,110. When?—Some time in the latter end of 1881.

12,111. 1881?—Yes, some time in the latter end of 1881.

12,112. Will you tell us, please, what you say took place then?—I could not tell you one word of what he said. As soon as some of the persons in the crowd asked if I was there I left; I went home, and left the speaker where he was.

12,113. And that is all you know?—That is all I know.

12,114. Now, Mr. Culloty attend to me and be careful how you answer. What is your character in the neighbourhood?—Well, I think my character is a very good character.

12,115. You think it is very good?—I do not care about any man to stand before me.

12,116. Had you living in your house as a servant a person whose name was Bridget?—Bridget what?

12,117. Had you a servant of the name of Bridget?—I had a long time ago, but I had several servants.

12,118. Was her name Bridget Culloty?—Yes, I had two of them of that name.

12,119. Both called Bridget Culloty?—Yes.

12,120. I mean the one that you seduced?—The like never happened, sir.

12,121. You swear that?—I do. They brought that before my investigation in 1882; go back seven years for that, and they got no credit before the Judge. They could make nothing of it.

12,122. Mr. Culloty, attend, and I warn you. Were you sued by that girl's father for seduction?—I take my oath I was never, nor any word about it.

12,123. You swear that?—I do swear it.

12,124. Did you settle a claim for seduction made by that girl's father against you?—On my oath I never did, nor any word about it, nor anything of the kind.

12,125. Is that girl now in Australia?—I do not know where is the girl. All the family have left the country.

12,126. When did she begin to live with you?—There are about 14 years; she gave me two terms.

12,127. Of seven years?—No; two years, a year at each time,

12,128. When did she come first?—About 13 or 14 years ago.

12,129. And the last?—That was the last; 13 years ago. They went back seven years in the investigation in 1882. I might not know it at all but for that.

12,130. Do you say that was the case of each of these girls Bridget Cullotys?—I say I know nothing ever bad about them.

12,131. Which of these two Bridget Cullotys that you say were with you was with you 13 years ago?—The last one.

12,132. And how long before was the first one?—I suppose three years before that; the first one.

12,133. Had you also servants of the name of Fleming and Casey?—Yes.

20 Nov. 1888.]

JOHN COLLOTT.

[Continued.]

12,134. Were you charged with seduction of those girls?—On my oath, I never was, nor no word about it.

12,135. You swear that?—The Fleming girl is in London, and you can get her.

12,136. I know?—I am surprised, man. You would not get a man to tell a lie. I am ashamed of a man like you. I am not surprised at what a band of murderers can do. I cannot put up with that before my face. It is a terrible thing to be charged with an act of roguery like this—a terrible thing, because a murderer from Ireland did it, and it is a shame to disgrace a girl, who is in the city of London.

(*The President.*) Stop. I must remind you you do not gain anything by going on in that manner.

12,137. (*Sir C. Russell.*) How long did the girl live with you?—Two months in the house.

12,138. And the girl Casey?—She may have given me two or three years.

12,139. Was one of the men who attacked you on the night of the 17th of April a man of the name of Fleming?—Not at all, but the man who was transported was a Fleming.

12,140. He was one of the men who attacked you, was he not?—Yes, he was, David Fleming.

12,141. Was he any relation of this girl Fleming?—All I know about it, I heard her father swear in the Court that he was nothing at all to that girl Fleming. He gave evidence in the Court.

12,142. Do you say you believe he was no relation of that Fleming?—I cannot say whether he was or not, but I heard Fleming——

12,143. Do you believe he was?—As far as I believe a man's oath to swear before my face, he swore he was nothing to Fleming; that girl's father you, mean.

12,144. Was this story about your alleged seduction brought up at that trial?—Not one word; not one word.

12,145. How did it come to be a question whether he was any relation of this girl Fleming?—This Fleming came up for giving evidence that was in my house; this boy; and he was sworn, was he anything to Fleming the prisoner? and he swore he was not.

12,146. Do you mean he came up to give evidence as to character, or what?—To prove that Fleming was not the man who committed the crime.

12,147. Now will you tell me this, please. At the time you were attacked in April 1882, how many of Bridget Culloty's relations were living in that neighbourhood?—There was four or five or six of them; there were three or four brothers living there.

12,148. How many brothers had she?—I could not really swear how many brothers.

12,149. On your oath, were they or were they not suspected of having made the attack upon you or being parties to it?—On my oath I never heard a man to say so, and I never suspected him for it. I know very well the man who did it. I spoke of the other man's name at the time I was fired at, although he made his escape.

12,150. I am going to ask you the name of the man in a moment. Now, you swear that it was not suggested that the brothers of this girl, Bridget Culloty, had to do with the attack upon you?—As far as I am concerned and know myself. I do not know what was said behind my back; there was a good deal said.

12,151. Have you never heard that which I am putting to you. You never heard that stated?—They may have said it amongst themselves, but I never heard it or saw nothing of it, and I never suspected them. The inspector knows who the first night I suspected of that. I have no doubt who did it at all. I will show you plenty of evidence of it.

12,152. Have you or not heard it stated that the brothers of Bridget Culloty were parties to that attack?—Never.

12,153. You never heard it stated?—No.

12,154. By any person?—Never, I did not suspect them.

12,155. Did they leave for America after that attack?—A long time; their passage was paid after.

12,156. How long after?—I could not say.

12,157. Come, try?—I will not do anything of the kind, I could not say.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

12,158. How long after that attack?—I could not say. I was lying down; I was for seven months in the infirmary, and I had some other care besides looking after the country, plenty to do of my own.

12,159. Is her father living in the country still?—I do not think he is.

12,160. Did he go to America?—I believe so.

12,161. Did you help him to go to America?—Indeed I never gave him any help any more than her wages, and that was used a long time before he went to America.

12,162. Now you have said that upon the 17th April there were two men disguised?—There were.

12,163. You pulled the mask off one?—Yes.

12,164. Which was that?—The 17th April.

12,165. Which man was that?—Fleming.

12,166. David Fleming?—Yes.

12,167. Who was the other man?—I think it is very unfair to answer that question.

12,168. Who was the other man, sir, if you know?—I consider the question unfair.

12,169. Who was the other man, sir?—I would let him know if I got him in Ireland; I would let him know.

12,170. Who was the other man?—I will not answer.

(*Sir C. Russell.*) My Lord, I am entitled to get an answer to this question.

(*The President.*) Of course, Sir Charles, if you attach importance to it.

(*Sir C. Russell.*) I do, my Lord, because, according to my instructions, as your Lordships will have gathered, this man is a man utterly unworthy of credit.

(*The Attorney-General.*) I do not know why such a thing should be said; but if Sir Charles is entitled to an answer, let it be written down in pencil and handed to your Lordships and given to Sir Charles Russell. There can be no necessity for a man to be forced to state it in a public court.

(*Sir C. Russell.*) Why not?

(*The President.*) We will inquire into that. Will you be kind enough to pursue that. Why does he object?

12,171. (*Sir C. Russell.*) Why do you object?—Because I intend putting him on his trial if I can get him.

12,172. You intend to put him on his trial, and you do not want to give him warning?—Yes.

12,173. (*The President.*) That is not a sufficient reason for concealing his name. What is his name?—As far as his Christian name, I spoke of it the first night, and I cannot rightly remember all about him now.

12,174. (*Sir C. Russell.*) Come, sir, come, sir; you have sworn you knew. I wish to test your credit; come, who was it?—It is my belief, and the best of my belief, that his name was Welsh.

12,175. What besides Welsh?—I do not know whether it was Pat Welsh or Thomas Welsh.

12,176. Where did he live?—He lived at Coolcy, near Castleisland.

12,177. How far from you?—Something about 6 or 7 miles.

12,178. And it was either Pat or Thomas Welsh?—Yes.

12,179. Was he a farmer or a farmer's son?—A farmer's son.

12,180. What age?—I could not say.

12,181. About?—I could not say.

12,182. A young man?—A young man.

12,183. 17 or 18?—Yes, as far as the best of my belief.

12,184. 17 or 18 years of age?—Oh, yes, 25.

12,185. About 25 years of age, was he?—Yes, about that.

12,186. You mean that he was about 25 years of age?—I could not exactly say.

12,187. Whose son was he?—His father was a Welsh.

12,188. So I should guess; what was his father's name besides Welsh?—Well, I could not rightly say. At that time the thing happened I did not know much of him.

12,189. Do you tell my Lords that you do not know his father's name?—His father's name? There is a good many nearer me than 7 miles that I do not know their names.

12,190. Do you know his father's name?—No, I do not.

12,191. Did you give any information to the police that you suspected or that this man Welsh was the man?—Yes, I spoke of his name the night I was hurt.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

- 12,192. To whom?—To the police.
- 12,193. To whom?—The officer was there, but I could not rightly like that say who was his father or rightly where he lived.
- 12,194. You say you did mention his name?—I did.
- 12,195. To whom?—To the police.
- 12,196. What police?—Well, I could not say what police was there now, but I believe an officer was there.
- 12,197. I understood you to say there was an officer there?—There was.
- 12,198. What is the officer's name?—Mr. Davis.
- 12,199. You did to Inspector Davis?—Yes.
- 12,200. Is he a district inspector, or what?—He was and is.
- 12,201. You say you mentioned that?—Yes, as far as that.
- 12,202. On the night of the 17th of April, or the morning of the 18th?—Yes, on the evening of the 17th of August.
- 12,203. The night of the outrage upon you?—Yes.
- 12,204. You have already told me—you were understood at least to have told me—do you persist in it—that no action or claim for seduction was made against you?—I did take my oath and I did say before, by any man ever in my life.
- 12,205. In relation to any one?—In relation to any one living.
- 12,206. Had this girl Collotty a child?—I swear on my oath I do not know; she has never had any child with her or any sign of it.
- 12,207. Did you hear that she had?—There was a saying about the people; that is all I heard of it.
- 12,208. Was there a saying about the people that you were the father of it?—I never heard a word about it. I heard it at the investigation in Tralee, and the judge asked how long it was since, and it was then said seven or eight years ago, and he told them not to listen to them.
- 12,209. You heard it in Tralee, that you were the father of the child?—They wanted to make it out the same as you are now; just the same.
- 12,210. When was that?—In 1882.
- 12,211. Was that when the outrage upon you of the 17th July was being inquired into?—The investigation of that claim.
- 12,212. For that outrage?—Yes.
- 12,213. Then you were not correct in saying, as you did a little time ago, that you had not been charged with being the father of her child or seducing her?—No man ever charged me with it, and neither did she. Any man, the same as you are now, wanting to make a case.
- 12,214. Who was the learned judge who was inquiring into the charge in 1882 in April?—Judge Lynch, for compensation.
- 12,215. That was in relation to the claim for compensation for the injury you had suffered?—Of course.
- 12,216. Was that in 1882?—In 1882; some time the latter end of 1882.
- 12,217. Who was it who cross-examined you?—There was a poor law guardian stood before the court and asked every question and inquired of that girl, but nobody spoke of any more.
- 12,218. What?—He did not mind any more that girl. I swear that it was not true, and the judge asked him.
- 12,219. What was the name?—Timothy Brosnau.
- 12,220. A poor law guardian, you say?—Yes.
- 12,221. Is he a neighbour of yours?—He is; they defended.
- 12,222. Did he state you were charged by your neighbours with having seduced this girl?—He asked me was it true, and he could make no more of it. I do not think any man living could say it was the fact, any more to stain my character now, the same as you are yourself, and I am in defiance of anything of the kind.
- 12,223. At that time was the girl, and the girl's family, in Australia?—They were not. I believe a part of them was, and a part of them was not.
- 12,224. Was not to your knowledge the family in Australia?—I could not say; they were all gone at that time. I could not say.
- 12,225. At the time were they?—I could not say that.
- 12,226. As far as you knew, were they?—Well, I could not say it, because they did not go together.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

12,227. Did you know of any of them being in the country at that time?—Well, I was six months in the infirmary before that.

12,228. Did you know of any of them being in the country at that time?—I do not know whether they were or not. I know her uncles was in the country, but I do not know whether her brothers were or not.

12,229. I am not speaking of relations of that kind?—I do not know anything about them.

12,230. Was her father, or her brothers, or was she in the country at that time?—I could not say.

(Mr. Reid.) I ask no question.

Cross-examined by Mr. DAVITT.

12,231. You say you sent to Tralee for a coffin for your child?—I did not say anything of the kind.

(The Attorney-General.) He said the policeman got him a coffin.

12,232. (Mr. Davitt.) You did not know where it came from?—I sent to Mr. McCowan, the agent for the Fitzgerald Estate at the time I was in Tralee.

12,233. Do you think it was got from there?—I know he did not make it.

12,234. Was it got from there?—I do not think it was. I know it was not.

Re-examined by the ATTORNEY-GENERAL.

12,235. How many years is it since the last of the Bridget Callottys was in your service?—Thirteen years.

12,236. There were two, as I understand—you spoke about two terms?—Yes, she gave me the term before that.

12,237. How long is a term?—I do not know. 11 or 12 months.

12,238. That would be about some time in the year 1875?—Yes.

12,239. Until this question was asked you by the poor law guardian when you were making your claim for compensation, had any suggestion ever been made against your character to your knowledge?—Against my character? Not a single word sir, ever.

12,240. Judge Lynch was the judge?—He was.

12,241. Who was inquiring into this claim for compensation?—Yes.

12,242. Do you know Timothy Brosnan?—I do, well. He was poor law guardian of the Electoral Division.

12,243. Do you know whether Brosnan had anything to do with the Land League?—Yes, I know he was; he was a member of the Land League in Castleisland.

12,244. A member of the Land League in what?—In Castleisland.

12,245. Where did he live?—Carker.

12,246. Is that near Castleisland?—No, but where I live myself.

12,247. There was a trial afterwards for the man who was sent to penal servitude for 20 years?—30 years.

12,248. Was any suggestion made against your character at that trial?—Not a word.

12,249. Now I want to ask you one or two questions more. You have been asked by Sir Charles Russell whether you did not suspect some man, and you said you never did suspect the family of Bridget Collotty?—Never; I did not.

12,250. The first occasion that you were visited, when you were hiding in your hiding-place, about how many people do you judge were there?—As far as I can remember, the yard was full of them. I thought there was about 50 at any rate.

12,251. At any rate, a large number?—Yes, a large number.

12,252. Now Sir Charles has asked you what you had done before the time you were shot. You said something in examination-in-chief; I want to ask you to make it clear, about seeing some man?—Pointing out the houses for the bailiffs, the farmers.

12,253. Who were going to do what?—Serve the writs.

12,254. When was that?—In October 1881, about the 5th.

12,255. Whose agent or bailiff was it?—Mr. McCowan was agent for Mr. Fitzgerald.

12,256. Whose estate was he agent for?—The writs were served on both estates.

12,257. Both the Miss Busteeds?—Yes, both the Miss Busteeds.

20 Nov. 1888.]

JOHN COLLOTTY.

[Continued.]

12,258. Yow were asked by Sir Charles Russell whether you had been told about the speeches; had anybody told you about the speeches?—I heard them speaking——

12,259. Listen, please. At Castleisland, in 1880, what did you hear about the speeches?—Well, I heard of ejectments and writs being torn up in Castleisland, and I heard about the speeches about Kerry, about landlords and their men being denounced and about believing that they thought there was Night boys in the place.

12,260. Somebody said they thought there were Good Night boys in the place?—Yes.

12,261. Do you remember who was said to have said that?—Well, I cannot say. I was not there.

12,262. Now one word about this tax. You said after 1880 the rent was high because of the increased cess you had to pay?—Yes.

12,263. That was the tax for extra police?—Yes, of course.

12,264. And the neighbourhood to pay a tax to meet the claim for malicious injury?—Yes.

12,265. That fell upon the occupiers?—Yes.

District Inspector DAVID GEORGE HUGGINS sworn; examined by Mr. ATKINSON.

12,266. You are now district inspector of the Irish Constabulary?—Yes.

12,267. Were you head constable at Castleisland in the years 1881 and 1882?—Yes.

12,268. Did you know Collotty?—I did.

12,269. Was he placed under police protection about some time in April—the early part of April 1882?—Yes, after his house had been visited by an armed disguised party he was getting protection by patrols.

12,270. Did you see yourself—was there a threatening notice which had been posted up given to you?—Yes.

12,271. Is it lost?—Well, I left Castleisland.

12,272. Have you searched for it?—Yes.

12,273. Have you been able to find it?—No, I could not find it.

12,274. Did you read what was in it?—Yes.

12,275. When was it given to you?—Some little time after the outrage—the 7th May 1882.

12,276. What were the contents of it?—Well, it offered 100*l.* reward to anyone who give information as to anyone who would work for Collotty.

12,277. Who would work for Collotty?—Yes.

12,278. Do you remember the night of the the outrage that was committed on him?—I do.

12,279. Were you there with the police force soon after that?—Yes; I went there with District Inspector Davis.

12,280. How soon did you arrive after the occurrence?—I suppose about two hours or two hours and a half.

12,281. Did Collotty then make a statement in your presence as to the men who had done this to him?—He mentioned a man's name—a man named Walsh. I do not know that he gave his Christian name.

12,282. Did he identify the other, or was it his daughter?—It was his daughter that identified the other, and pulled the mask off Fleming's face. The daughter said she recognised him.

12,283. It was upon the daughter's identification of Fleming, and not upon his, that he was subsequently convicted?—Yes.

Cross-examined by Sir CHARLES RUSSELL.

12,284. Did he mention Fleming's name?—He did not mention Flemming's name.

12,285. He mentioned Walsh's name?—I am sure of it. [*The Witness was referring to a memorandum.*]

12,286. Is that a memorandum that you have?—Yes.

12,287. Of what?—It is a memorandum of the time he was shot, and the date.

12,288. When did you go to Castleisland?—I went to Castleisland on the 4th December 1880, and I remained until the 15th July 1886.

20 Nov. 1888.]

DAVID JOHN HUGGINS.

[Continued.]

12,289. Where have you been stationed from December 1880 until July 1886?—In Castleisland the whole time.

12,290. And from 1886?—From July 1886 until the present I have been stationed in Clonbur, County Galway.

12,291. Have you since July 1886 been back again in Castleisland?—Yes, I went back just before the O'Donnell trial.

12,292. Was that to assist in getting up evidence for the purpose of the O'Donnell trial?—That is what it was for.

12,293. For the purpose of the O'Donnell trial?—Any case that I would be examined about.

12,294. How long were you there for that purpose?—I went there on Sunday night and I left it on Tuesday morning.

12,295. Is that the only visit you have since paid to Castleisland?—That is all.

12,296. What was your position in Clonbur, head constable?—District inspector.

12,297. You had been promoted meanwhile?—Yes.

12,298. Who authorised you to go to Castleisland for the purpose of getting up this evidence?—I applied for leave and went down there.

12,299. To whom?—To the county inspector.

12,300. What is his name?—Mr. Wilson.

12,301. Did you state your object?—I did; yes.

12,302. And you got your permission?—Yes.

12,303. Did you attend the O'Donnell trial?—I did.

12,304. How long were you away?—I was away for about a fortnight, I think—perhaps a couple of days more—about a fortnight.

12,305. How long have you been away this time?—I have been away since the 1st of this month.

12,306. 1st of November?—Yes.

12,307. Have you seen any of the witnesses from Castleisland or the neighbourhood of Castleisland?—Oh, yes, I saw most of them.

12,308. And spoken to them?—Well, some I did, and some I did not.

Re-examined by the ATTORNEY-GENERAL.

12,309. Were you served with a subpoena?—I was in both instances.

12,310. You were served with a subpoena by Mr. Soames on behalf of the defendant in *O'Donnell v. Walter*?—Yes, by Mr. Bolton.

12,311. Now, did you then go down to Castleisland district yourself?—Yes.

12,312. Are there kept in Castleisland district the notes of the outrages?—Yes, the records of all outrages.

12,313. Had you to produce those for the purposes of the action or not?—No, I had not. I was not examined at all.

12,314. But you had them with you?—Yes, I had.

12,315. You had to get what I may call the official record when you were served with the subpoena, when the outrages took place?—Yes, I was.

12,316. Were you served with a subpoena for this particular case?—I was.

12,317. You have been asked about seeing the Castleisland witnesses, and you say you have seen some and not seen others. Have you taken a statement of any one of the witnesses for any of the parties in this case?—No, I did not.

12,318. Or have you had anything to do with the taking of the statement of the witnesses?—No.

(*Mr. Atkinson.*) I will read, my Lord, from the "Kerry Sentinel" of the 22nd January 1886, the resolution of the Scartaglin branch of the Irish National League. It is the parish in which CulloTTY lives now. Amongst other resolutions, my Lord, there is this, "That John CulloTTY and Daniel Casey are cut as land grabbers of the worst type, and that they be left to their own resources, and that a copy of this resolution be sent to the adjoining League."

(*Mr. Murphy.*) It would be convenient to your Lordship at the same time if I put in the resolution of the 21st of May 1886. It is referred to at Question 11,659, in reference to the case of Edward Herbert. Your Lordship may remember he was shot in the month of June 1886, and the resolution I propose to read is the 21st May 1886.

(*The President.*) Where are you reading from?

20 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(*The Attorney-General.*) From the notes of the proceedings before your Lordship.

(*Mr. Murphy.*) It is referred to at page 859, at the bottom. My Lord, the resolution is this. It is in the "Kerry Sentinel" of the day.

(*Sir C. Russell.*) What is the branch?

(*Mr. Murphy.*) The Ballyduff Branch. "The following resolutions were unanimously adopted, that no member hold any communication with the notorious Edward Herbert of Ballyduff. He is going all over the country doing the dirty work that the other bailiffs or process servers would not do; and who in addition holds two evicted farms from which the family had to fly to America. One of them returned and claimed his farm, but Herbert would not give it up, and therefore he had to go back to America."

JOHANNA LEAHY SWORN; examined by Mr. MURPHY.

12,319. Are you the wife of Daniel Leahy?—I am.

12,320. Was he formerly a tenant of Lord Kenmare?—He was.

12,321. Now some time before his death did he take some grazing vacant in your neighbourhood?—He took it of Lord Kenmare.

12,322. Up to that time, on what terms did he live with his neighbours?—Very good terms.

12,323. I think he was about 67 when he was murdered?—That was his age.

12,324. Can you tell me, how long before he was murdered did he take this grazing?—I could not tell that.

12,325. Now do you remember one night when you were expecting your son home?—I do.

12,326. What was the night—do you remember when it was?—It was in 1882.

12,327. Was it in the month of August?—Yes, the 21st of August.

12,328. Were you and your husband in bed waiting for your son to come home?—Yes, we were.

12,329. Did a man come in?—He did.

12,330. Was there one man or more?—I could not say.

12,331. Was it dark?—It was, there was not much light in the kitchen.

12,332. And it was about 12 o'clock?—Yes, it was something about 12.

12,333. What did he say?—He asked me "was he in bed," and he asked, secondly, was "he in bed," and he answered he was, and he said it was time for him to get up—we had a weekly man come every week to work for us, so I asked him—I called him by his name, "John, how early you are leaving the house; it was only striking 12."

12,334. You thought it was the man who was coming to work?—Yes.

12,335. What was the next thing that happened?—He said, why did not he get up, it was time for him to get up, so I said then to my husband, I will get up and I will know who is in the kitchen; and my husband got up after me. Then he met my husband. I was foremost, and he met the husband behind me, and caught him by the shoulder and pulled him up in the kitchen.

12,336. Where was the husband; was he on his knees, or where?—After this, he was. They told him to kneel down then, and they brought him up in the kitchen.

12,337. What did you do?—I knelt down alongside him, and I put my hand around his neck, and I did not take my eye to look at the man who brought him up and ordered him to kneel.

12,338. Did they ask him any questions?—They asked him had he arms in the house. He said, "No;" he said he could not have arms in the house, and he said he never kept the like.

12,339. What was the next thing that he asked him?—He asked him then, did he pay his rent, and I could not say what answer he made him then.

12,340. What did you say to them?—He asked me then, had I any drink, any whiskey in the house. I said I had not; he said they were very thirsty. I told him that I would give him the key of my dairy, and that they could quench their thirst, and I said I would give him all I had inside and outside to spare me my husband's life, and he called some number in, and I do not know the number he called for.

12,341. Were there more than one man?—I could not say.

12,342. He called some number out?—I did not see the second man neither, and I did not look at him.

20 Nov. 1888.]

JOHANNA LEAHY.

[Continued.]

12,343. What did he say to the man with the number?—He told him to come forward and to throw that woman down, and he caught me by the shoulders; he pulled me away from my poor husband and he threw me down again the stairs, and I fell on my side, and my husband said, “God be merciful to me, poor soul. What did I ever do out of the way.”

12,344. What was the answer to that?—Then he gave me a throw and threw me by the bedroom door, and I got up again as quick as I could.

12,345. What did you do?—And I brought some covering I found on the table there, to cover my poor husband before the cold, and I brought it up and put it round his shoulders where he was, and I covered him.

12,346. Did they shoot?—The shooting and the cracks was going on, but I suppose I lost my senses. I did not know what they were doing; I was down then. I felt the crack going on.

12,347. Your husband was then shot while he was on his knees?—He was. I told them to turn back and to kill me along with him.

12,348. Did your daughter call out?—My daughter called out, from the stairs, and she told them not to kill her father, and he said if she did not hold her tongue she would get the same.

12,349. At this time had you some servant boys in the house?—I had four servant boys in the house.

12,350. Four of them?—Yes.

12,351. Did you call them by name to come down?—I did, and I carried the husband myself down and my servant and my young daughter, and we laid him below.

12,352. Did the boys come down?—They did not.

12,353. What age were they?—They were young men, but one, the old man, he was about 60 years of age, the old man that I had who was herding.

12,354. These others were about 25?—Yes, more or less.

12,355. Did they say why they would not come down?—I called them down by their names, and I told them to go for the police; they thought I had my poor husband alive, to see if the policeman would take him.

12,356. Did you ask them to go for the priest?—I did.

12,357. Did they go?—No, they refused; they said they would be registered for it.

12,358. Did you know Jeremiah Leahy?—I know Jeremiah Leahy.

12,359. Do you know him?—I know one Jeremiah Leahy.

12,360. Was he a neighbour of yours?—He was a friend of my husband's; he lived far from me, I suppose 7 or 8 miles from me.

12,361. Where did he live?—A place called Carrabarry in the parish of Fieres, if that is the man you mean.

12,362. Do you know whether he was connected with the League in your place or at Fieres?—I could not say anything at all about him.

Cross-examined by Sir C. RUSSELL.

12,363. Now, Mrs. Leahy. Daniel Leahy was a cousin of your poor husband?—He was a second cousin.

(*The President.*) Daniel, I thought, was her husband.

(*Sir C. Russell.*) Jeremiah I mean; I beg your Lordship's pardon.

12,364. Now after this shocking murder of your husband occurred, is it no the fact that all the neighbours showed great sympathy and feeling for you?—Yes.

12,365. And attended the wake and the funeral?—They did indeed.

12,366. They did?—They did.

12,367. Did not the whole neighbourhood condemn this atrocious murder of your husband?—Yes, sir, they did.

12,368. Now I see a file of the “Kerry Sentinel” before my learned friend, Mr. Atkinson.

(*Mr. Atkinson.*) No, it is not.

(*Sir C. Russell.*) I think your Lordship will consider it right, first, in connexion with this, that I should for a moment refer to what was said about this murder.

(*The President.*) Certainly.

(*Sir C. Russell.*) My Lord, it is the “Kerry Sentinel.” I have only got a copy of it here. It is dated 22nd August 1882; the murder was, I think, on the

20 Nov. 1888.]

JOHANNA LEAHY.

[Continued.]

21st. It is as follows:—"Another shocking murder has been contributed to the roll of crime which records our national disgrace, and this latest bloody deed of assassination is contributed by Kerry. Following close upon the appalling murder committed at Cong, before public feeling had time to recover from the shock which the horrible tragedy produced, Ireland is again plunged in disgrace by a murder, which for cold-blooded barbarity, is only less revolting than the awful tragedy in Mayo. The details of the fearful crime committed at Scarteen near Killarney on Sunday night are given in full by our special reporter, who visited the scene. They require no explanation at our hands. Our duty as public journalists is simply to raise our voice in protest against the bloody deeds that are fast bringing disgrace upon our land, and to caution our people that as they value life or liberty they must unite in stopping the progress of this fearful demon of blood that seems to have taken possession of a section of our people. Where is the boasted chivalry of Irishmen gone. Where is the Catholic instincts for which they were distinguished the world over? Is it by dark deeds of blood that any section of them can hope to advance the interests of their country? Can the blessing of Heaven remain with a cause that enlists the support of the demon of assassination? It is difficult to believe that any section of our fellow countrymen would be so blind to reason and common sense as to believe that their interests could be advanced by the commission of so heinous a crime as that which we record to-day, and yet all the circumstances of the cruel deed force upon us the conclusion that it was inspired less by private malice than by a misguided, wicked belief that it could advance a public principle. It is said to reflect for a moment that such a feeling could obtain in Ireland, and it is particularly discouraging at the time when bold efforts are being made to teach the people the virtue of self-reliance, and point out to them the road to liberty by means which Heaven can approve of. It has been very clearly demonstrated that coercive legislation is no remedy to cope with the evil of assassination and outrage. It is only by combination amongst the people themselves that such a remedy can be applied, and as it ultimately affects the best interests of our country, our social and political welfare, and that character, which as a people we should be ambitious to win and preserve, we would earnestly press upon all sections of our fellow countrymen to unite in stamping out this abominable disposition which seems to be fast taking root amongst us, and bringing Ireland day by day into deeper disgrace."

Re-examined by the ATTORNEY-GENERAL.

12,369. One question; was your husband a member of the League?—No.

CORNELIUS M'CARTHY sworn; examined by Mr. ATKINSON.

12,370. Are you a sergeant of the constabulary?—I am head constable.

12,371. Were you stationed at Killarney in January 1883?—In Farranfore.

12,372. Is that near Firies?—Yes, Firies is in the sub-district of Farranfore.

12,373. Was there a branch of the Land League there?—Yes, there was a branch of the Land League established there in November 1880.

12,374. Who was the secretary of the branch first?—Jeremiah Leahy, Corbally, was the secretary.

12,375. Who was the treasurer?—John Macmahon of Bushman, I believe, was.

12,376. You remember the time of Leahy's murder?—Yes, I remember the outrage.

12,377. Did you subsequently search the house of that Jeremiah Macmahon, who was treasurer of the League?—Yes, he succeeded Jeremiah Leahy as treasurer.

12,378. Was that during Leahy's time?—He was secretary; I do not believe he had any post in the League whilst Jeremiah Leahy was secretary; he succeeded Leahy.

12,379. When was it that you searched his house?

(Sir C. Russell.) Whose house?

12,380. (Mr. Atkinson.) Jeremiah Macmahon's house?—In August, I think, 1884.

12,381. Did you get that letter there?—I believe that is the date.

12,382. Where did you find that?—Yes, I got that letter there. I found it amongst the papers of Jeremiah Macmahon.

(Sir C. Russell.) How is it evidence?

20 Nov. 1888.]

CORNELIUS M'CARTHY.

[Continued.]

12,383. (*Mr. Atkinson.*) Do you know Jeremiah Leahy's handwriting?—No, I never saw him write.

12,384. Was anybody brought to justice at this time for the murder of Leahy?—No.

(*Sir C. Russell.*) Nobody ever was.

12,385. (*Mr. Atkinson.*) Has anybody been brought to justice since?—I believe not; I have not heard there was.

12,386. You say that Macmahon succeeded Jeremiah Leahy; had Jeremiah Leahy left the country?—Yes, he had left the country at this time the search was made.

12,387. About what time did he leave the country?—I think it was the year 1883, but I am not positive; I am giving the date from memory.

(*Mr. Atkinson.*) If the objection is made to the handwriting of this letter we will subsequently prove the handwriting.

(*Sir C. Russell.*) I do not know what is said about it.

(*The Attorney-General.*) I should submit it is evidence now already; but if your Lordships think it had better wait until the actual handwriting is proved, of course that is a matter we will deal with.

(*The President.*) If you think you are in a position to prove the handwriting you had better wait.

(*The Attorney-General.*) Very well. We will prove the handwriting presently.

Cross-examined by Sir CHARLES RUSSELL.

12,388. I want to understand when was this search made?—In August 1884.

12,389. A search made at Macmahon's house?—A search made at Macmahon's house.

(*The President.*) As I understand, you being an official at that time of the Firies branch.

(*The Attorney-General.*) Of the Firies branch of the Land League.

(*The President.*) I understand that is the way it is put.

(*Sir C. Russell.*) So I understand. But I wish to put something upon that which is not present to my friend's or to your Lordships' minds.

12,390. You say there was a branch of the Land League established at Firies in November 1880?—Yes.

12,391. That may very likely be correct; I do not know. You know that the Land League was suppressed in October 1881?—The latter end of 1881, yes.

12,392. And you know that the National League was not established, that there was an interval, and the National League was not established until the end of—?—1882. In December 1882 the Firies branch of the National League was established.

12,393. That is what I wanted to get from you. In December 1882 the Firies branch of the National League was established?—Yes.

12,394. Then you said that Macmahon succeeded to Jeremiah Leahy. Had Macmahon anything to do with the Land League or the National League?—I cannot say his position.

12,395. Do you say that he succeeded him as secretary of the Land League?—I do not say that he succeeded him as secretary of the Land League, but he did as secretary of the National League.

12,396. Then do I understand you to say that Jeremiah Leahy was secretary to the National League?—The Land League.

12,397. Was he secretary also of the National League?—No.

12,398. How did Macmahon succeed him?—Well, I look upon them as one continuation after another. There was a mere interval.

12,399. I do not complain of your putting it in that way; but to make it quite clear, so far as you know, Leahy had nothing to do with the Land League?—He had not.

12,400. Except so far as in your view one might be taken as a continuation of the other?—Yes.

12,401. Do you say that Leahy left the country?—He left the country.

12,402. Is it not a fact that he is in Tralee now?—He went to America in 1883, as well as I remember.

12,403. And returned when?—I do not know when he returned.

20 Nov. 1888.]

CORNELIUS M'CARTHY.

[Continued.]

12,404. Some considerable time ago?—Yes.

12,405. How long ago altogether?—I do not know exactly how long ago.

12,406. A year, or half a year, or what?—He may be a year away for what I know; I do not exactly know; he was some short time away at any rate.

12,407. It is suggested to me—I do not know how the facts are—that since his return he has got a new holding—a license in Tralee?—Yes, he holds a public-house. Some time after his return he sold his farm and went into Tralee to live.

12,408. Perhaps you assisted him in getting the license?—No, I did not.

12,409. Did you oppose his getting the license?—No; the license, I remember, was not opposed.

12,410. But he is there now?—I believe he is.

(*Sir C. Russell.*) Will you allow me to see that letter? I desire to ask about it.

(*The Attorney-General.*) I do not think my friend can see it, unless it is read. At present it is only identified and marked.

(*Sir C. Russell.*) I submit I am entitled to see the document on its way to the witness. My learned friend has no right to hand to the witness a document without Counsel seeing it first. There is no such thing as marking documents behind the backs of other people.

(*The Attorney-General.*) The marking of the document is done over and over again when it is produced.

(*The President.*) Certainly it is usual to allow Counsel to see documents in order that they may say whether they object to them or not. That, certainly, is my experience of the profession.

(*The Attorney-General.*) Whatever your Lordships think right, I would respectfully submit that the practice is that if Counsel in passing said, "Let me see the document," that the document goes in; that is my recollection of it, and I am speaking with some experience, but not with your Lordship's experience.

(*Sir C. Russell.*) Of course it goes in, if it is evidence.

(*The Attorney-General.*) I am not at present objecting to my learned friend seeing it—

(*Sir C. Russell.*) Then why is there so much fuss about it if there is no objection to my seeing it?

(*The Attorney-General.*) Allow me to finish my sentence. But I submit if my learned friend sees it, it must be read now.

(*Sir C. Russell.*) I submit not.

(*The President.*) I have told you what my impression is. I have not thought it out. But I have had occasion to think it out before, and that is my impression.

(*The Attorney-General.*) May I remind your Lordships of that which is a common occurrence. A witness asks to look at a document to refresh his memory. Then the learned Counsel asks to see it, and if he sees it, then it is read or any part of it.

(*Sir C. Russell.*) Now, let me see the document.

(*The Attorney-General.*) No.

(*Sir C. Russell.*) I thought your Lordships expressed an opinion that I could see it.

(*The President.*) What I stated was, that my experience in the profession is, to allow Counsel to look at a document to see if there is any objection to it.

(*The Attorney-General.*) My Lords, there are reasons why I could not allow Sir Charles Russell to see it.

(*Sir C. Russell.*) I do not know why this is; why it should be treated under any different rule. I am fortifying myself with what his Lordship says.

(*The President, after consulting the other Judges.*) My colleagues are of opinion that it is not a matter of right; it is only, I suppose, courtesy.

(*Sir C. Russell.*) Then, am I not to see it as a matter of courtesy?

(*The President.*) That must remain to be seen.

(*The Attorney-General.*) My learned friend knows perfectly why I object.

(*Sir C. Russell.*) I really do not know.

(*The President.*) It must stand over until it can be proved—when you think you are in a position to prove it by formal evidence.

12,411. (*Sir C. Russell.*) I should just like, as I am not to see this document, to know a little more about it. When did you get it; August 1884, I think you said?—Yes.

20 Nov. 1888.]

CORNELIUS M'CARTHY.

[Continued.]

12,412. What did you do with it?—I handed it to the officer who was present with me at the search.

12,413. What was his name?—Mr. Crane, of Killarney.

12,414. What did he do with it?—Kept it in his custody; kept it at the time, and brought it with him.

12,415. Brought it where?—On his return to Killarney, where he was stationed.

12,416. Do you know where Mr. Soames got it first?—I have not an idea. I only saw it at that time.

12,417. Is Mr. Crane here?—He is.

12,418. Are you still stationed at Firies?—No, I am now in Donegal.

12,419. When were you last in Firies?—It is some time now. I suppose a couple of years ago.

12,420. And have you been there since at all?—No, I have not.

Re-examined by the ATTORNEY-GENERAL.

12,421. My friend has put to you that the League was suppressed at a certain date, after the Proclamation—the attempt of the Government to suppress the League; do you know that they continued to hold meetings; did the meetings stop, or did they still hold them?—The meetings afterwards stopped, after they were proclaimed.

12,422. With reference to the National League and the Land League, are the people the same or different that are in the National League to those who were in the Land League?—They are the same people.

12,423. I am speaking of your experience as a police officer; is there any difference in the two organisations, or the people connected with them?—Except by name merely, that is all I can see in the way of difference.

12,424. (*Sir C. Russell.*) I should like to ask one question *apropos* of that. You say practically the same people, in fact so far as you know, were nearly all the people members of the National League and the Land League?—Nearly all.

12,425. Nearly all the respectable people about?—Nearly all, with very few exceptions.

(*The Attorney-General to Mr. Atkinson.*) Will you read the notice now in “United Ireland”?

(*Mr. Atkinson.*) The notice has been read from the “Kerry Sentinel” with reference to this murder, but I now read the notice from “United Ireland” of the 26th of August 1882, at page 3, column 6:—

“Mr. Daniel Leahy, an extensive farmer, living at Scarteen, within a few miles of Killarney, was murdered on Monday morning. He was a well-to-do farmer, about 60 years of age, and lived close by the old Tralee road. He had been for many years a driver or rent-warner on the Kenmare Estate, but this position he resigned about 9 months ago. One circumstance which is alleged to be the main cause of the ill-feeling which some say existed against him, is related as follows: Some weeks ago a farm of about 60 acres, at a place called Lecabane, held by Lord Headly from Lord Kenmare, was put up for auction at a sheriff's sale, and was purchased by a man named Daniel Cronin, of Gortalea. After he was declared the purchaser the sale was for some reason or other annulled, and the farm given to a man named John Cronin. The latter is the son-in-law of Leahy, who is believed to be the prime mover in the transaction, and this tended to render him unpopular. Leahy and his family were sleeping in their beds in their own home, when about one o'clock on Monday morning the house was surrounded by a band disguised and armed, who broke into the house, dragged the unhappy man out of his bed, and deliberately murdered him. Some arrests have been made.”

That is the only note in the paper, my Lords.

(*Mr. R. T. Reid.*) Will you allow me to look at it?

(*The Attorney-General.*) Certainly. (*The paper was handed to Mr. Reid.*)

CHARLES PASTON CRANE sworn; examined by the ATTORNEY-GENERAL.

12,426. What are you?—I am a district inspector in the Royal Irish Constabulary.

(*The Attorney-General.*) I am going to call this witness again. I am merely putting questions with regard to what was referred to by Sir Charles Russell.

20 Nov. 1888.]

CHARLES PASTON CRANE.

[Continued.]

12,427. Did you search the house of McMahon?—Yes.

12,428. In connexion with the last officer?—Yes, Head-Constable McCarthy was with me.

12,429. Did you find that letter which has been put in?—Yes, I did.

12,430. How long did it remain in your possession?—I searched the house with a party of police on the 9th of August 1884, and it was in my possession till to day,

12,431. When did you hand it to the solicitor?—I handed it to Mr. Aitcheson about 10 minutes ago.

Cross-examined by Sir C. RUSSELL.

12,432. I do not know; under what authority was this search?—Under the authority given in the Act. I think it was the Protection of Personal Property Act, the one passed in 1882, the Crimes Act.

12,433. And what was the ground?—What was the ground for the search?

12,434. Yes?—Suspecting this man McMahon of being concerned in various outrages which had been committed in the neighbourhood, and the writing of certain threatening letters.

12,435. It was a search to get evidence of his handwriting?—Yes, and to take any documents which were supposed to be connected with secret societies.

12,436. Was there any information sworn against him?—No.

12,437. Was there, so far as you are able to state, then or now, any grounds of suspicion against the man, except the fact of his connexion with the National League?—Yes, there were strong suspicions that he was concerned in outrages in the neighbourhood, from private information.

12,438. McMahon is a man who is living?—Jeremiah McMahon, I believe he is living now.

12,439. You say strong suspicions?—Yes.

12,440. Did they ever take the form of an information by anyone?—Not in my time, as far as I am aware of. I do not remember any information made against McMahon.

12,441. I ask you whether there was any ground of suspicion except the fact that he was a member of the League?—Yes, we had a deal of private information about various persons in that neighbourhood, and amongst others was McMahon.

12,442. Private information from whom?—I could not tell that.

12,443. I do not mean the names of the people, but what class of people?—The same class as McMahon is in himself, and various others.

12,444. You said you searched to see whether there were any documents relating to secret societies?—Yes.

12,445. How long altogether have you been on duty in the county of Kerry?—I came to the county of Kerry in January 1880.

12,446. And remained?—And I have remained in the county of Kerry up to the present time. I am quartered in Killarney now.

12,447. You would be therefore, according to that statement, there at the time that Sir Redvers Buller was there?—I was in Killarney at that time.

12,448. Do you agree that secret societies had a very strong hold in Kerry?—I know there were a great many secret societies in Kerry.

12,449. What are the names, do you know?—I used to know them by the different parishes they were in. They usually went by the parishes, so far as I am able to know, in Kerry; Firies, for instance, there was a secret society there, and in Rathmore and Glenglish, and various other parishes.

12,450. Castleisland too?—Castleisland.

12,451. I should like you, if you can tell us, the name by which they were popularly known?—The Moonlighters were the only societies that I have ever heard of in Kerry, at least that ever I have had anything to do with.

12,452. Moonlighters?—I remember one name, as you ask me, that a certain secret society in one parish had which must be a local name, the Boherdary Boys. I believe it means the "Red Road" Boys, and that was a certain section about 15 miles to the north of Killarney.

12,453. Red Road Boys?—I think it means Red Road.

12,454. That I am told is what it does mean, Red Road Boys?—Yes.

20 Nov. 1888.]

CHARLES PATSON CRANE.

[Continued.]

12,455. Did you know anything about Kerry before 1880?—No, that was my first station. Dingle was my first station.

12,456. Are you an Irishman?—No, I am an Englishman.

(*The Attorney-General.*) I have nothing further to ask you at present. This witness has to be recalled, my Lord.

(*Mr. R. T. Reid.*) May I in the interval call attention to this: The Attorney-General has drawn attention to this passage in "United Ireland," and has commented on it in this sense—that there was no further comment on this fearful murder than what appears here. It appears amongst the incidents of news simply, not in any paragraph where comment would be placed, and is headed "Fearful murder near Killarney." I desire that that matter should be entered on the note. It is not an article at all.

PAT SULLIVAN sworn; examined by Mr. ATKINSON.

12,457. Are you a labourer?—Yes.

12,458. Were you in the employment of a man named John Connor?—No, there were two sons of mine.

12,459. Were they in the employment of a man of the name of John Connor who lived near Ballybunnion, County Kerry?—They worked with him.

12,460. Where they employed with him in 1881?—I guess so.

12,461. At the time your sons were in Mr. Connor's employment do you remember two men coming to your house at night?—Yes.

12,462. Had you seen any notice at any time threatening to boycott Mr. Connor?—It was at night, and I could not see.

12,463. But before this night?—No.

12,464. When they came at night to you did they get into your house?—No.

(*Sir C. Russell.*) When was this?

12,465. (*Mr. Atkinson.*) Can you state what time it was—how long ago?—I did not keep any recollection.

12,466. But your sons were working for Mr. Connor at the time?

(*The President.*) I thought you mentioned some time to him.

12,467. (*Mr. Atkinson.*) Are you able to say how long ago it was—what time of the year?—I did not keep no time. I did not think it would ever come to light.

12,468. When they came to your door, what did they do?—I opened the door and looked out, and I saw two men and I did not know what object brought them there, and I immediately shut the door. There was a shot fired at the door after closing it; it was shot only, not bullet.

12,469. Were you struck by the shot?—I got one grain in the lip only, it took no effect, it went through the deal board.

12,470. Next morning did you notice what had been posted on your door that night?—Yes.

12,471. What did you do with the notice?—Left it on the door. I did not know what to do with it. I thought I had better leave it where it was.

12,472. What was on it?—To withdraw my boys from John Connor's.

12,473. Mr. Connor, the man they were working with?—Yes.

12,474. Did the boys continue to work?—Yes.

12,475. How long did they continue?—They continued all along.

12,476. Do you remember what day of the week it was that these men came to you?—I do, well; Friday night.

12,477. The Sunday following that Friday were you at mass?—Yes, I was at first mass.

12,478. Was Connor there?—I could not say.

12,479. Was there any meeting held?—I went home, and it was afternoon, and went to the village, and I do not know whether they had a meeting or not.

12,480. Up to this time had Connor been boycotted?—No.

12,481. Who was president of the Land League there?—The parish priest.

(*Sir C. Russell.*) Where?

12,482. (*Mr. Atkinson.*) What was the name of the nearest parish?—Ballybunnion.

12,483. And was the parish priest the president of the Land League there?—Yes.

12,484. (*Sir C. Russell.*) What was his name, sir?—The Rev. Father O'Connor.

(*Sir C. Russell.*) I do not ask you any more.

20 Nov. 1888.]

PAT SULLIVAN.

[Continued.]

Cross-examined by Mr. LOCKWOOD.

- 12,485. Have you lived in this neighbourhood long?—I was born there.
 12,486. Have you known anything about these secret societies in this neighbourhood?—No, I never knew anything of the kind in my place at all.
 12,487. You never heard of any?—No.
 12,488. Have you heard of the Road Boys?—No, I know nothing about them.

PAT WELSH sworn; examined by Mr. ATKINSON.

- 12,489. Where do you live?—At Ballybunnion.
 12,490. Is that in the county of Kerry?—Yes.
 12,491. Are you in the employment of Mr. Connor?—Yes.
 12,492. Where does he live?—He lives at Farrarpiece.
 12,493. Do you remember some people coming to your house?—I was asleep, sir.
 12,494. I know, but were you roused up by the noise?—No, sir.
 12,495. At the time that you were at work at Mr. Connor's, while in his service, do you remember waking one morning and finding a notice posted on your door?—I saw it. I passed down when I went working; it was on the door.
 12,496. Did you see one of the police come and take it, or take a copy of it?—No.
 12,497. But it was on the door?—Yes.
 12,498. About how long ago was that?—About five or six years ago, I think.
 12,499. Do you remember the morning after you saw that notice—as you were passing by—did you see any animal belonging to Mr. Connor injured?—A goat, sir.
 12,500. Did you attend any meeting of the League on the Sunday following the day you saw that notice?—No, sir, not the Sunday following that.
 12,501. Any other day?—Yes.
 12,502. Do you know what boycotting is?—Yes. He cleared himself. He was not boycotted.
 12,503. Was Connor boycotted at the time the notice was stuck on your door?—No.
 12,504. But you say he cleared himself?—Yes.
 12,505. When did he clear himself?—After that.
 12,506. How did he clear himself?—That he was not boycotted.
 12,507. But how did he clear himself; how did he manage to do it?—He did not pay his rent.
 12,508. Did he state that to anybody, or how did he manage to clear himself by not paying his rent?—He had his receipt, sir.
 12,509. Did that show that he did not pay his rent, or that he did pay it?
 (Mr. Lockwood.) Really, I can hear all that Mr. Atkinson says, but I cannot hear a word the witness says. I must ask my friend not to put every material fact to the witness in this way.
 (Mr. Atkinson.) I only asked him how he cleared himself. The suggestion did not come from me that he cleared himself.
 (The President.) The two answers I have got are: "Connor cleared himself. He did not pay his rent."
 (Sir C. Russell.) Will your Lordship kindly ask him whether he knows anything about it, one way or the other?
 (The President.) You may ask the question.
 12,510. (Sir C. Russell.) Do you know of your own knowledge whether Connor paid his rent or not?—Yes, sir; he did not pay his rent.
 12,511. How do you know?—He would be boycotted.
 12,512. How do you know that, one way or the other? You were not there when he was at the agent's office?—I was not there on Sunday.
 12,513. All you know about it is what somebody else has told you?—Yes; and he said it himself when he came in.
 12,514. From something which he himself has told you?—Yes.

Cross-examined by Mr. LOCKWOOD.

- 12,515. Did you know a man named Martin Costello?—Yes.
 12,516. Where did he live?—He lived up at Tullamore, a place called Braymore or Tullamore.
 12,517. Did he not live at Derra?—That is the place, sir.

20 Nov. 1888.]

PAT WELSH.

[Continued.]

12,518. Do you remember his being shot at?—Well, I do remember it.

12,519. When was it?—It is a good space now, sir, not too long.

12,520. About 1880, was it not?—I cannot say, I have not kept any date of the year.

12,521. Should you think it is about 8 years ago or so?—I cannot say, sir.

12,522. He was a Fenian informer, was not he?—I cannot say that.

12,523. But just think. Was not that what was said at the time?—Yes.

12,524. It comes back to you, does it not?—He was hanged, sir; he hanged himself.

12,525. Before he put an end to his life, as you say, had he been shot at?—Yes.

(*The President.*) Who was this?

(*Mr. Lockwood.*) A man named Martin Costella who lived at Derra, which is a few miles, I believe, from Ballyhunnian.

12,526. How came he to be shot at?—I cannot tell.

12,527. Did not you hear at the time?—I do not remember it.

12,528. Were you not hearing he was connected with the Fenians?—Well, I heard it, sir.

12,529. There were a good many connected with that body about Ballyhunnian and Derra, were there not?—Well, I cannot say.

12,530. Oh! yes, you can. Just attend to me. There were a good many men there connected with this society about Derra and Ballyhunnian?—I am a labouring man and I would be working. I have a long family and I would be working. Those things do not trouble me.

12,531. Will you answer the question? Were there a great number of men about Ballybunnion and Derra who were connected with the Fenian society?—I do not think there was.

12,532. Just answer me. Do not you know it?—There have not, sir.

12,533. There are not. Do you know any other secret societies which exist in that neighbourhood. I will not ask you the names of any persons. Tell me the names of the societies?—I have not the names of the societies.

12,534. Are there societies then in that neighbourhood of which you have heard?—I do not know anything about it.

12,535. Would you rather not say; tell me if you would rather not; would you rather not say?—I do not know anything about them, sir.

12,536. Would you rather not be asked questions about their existence. Is that what you mean?—I do not know anything about them.

12,537. Never heard of them?—Yes.

12,538. But you would rather not talk about it. Is that what you mean?—I do not know anything about them, sir.

12,539. Do you remember hearing of Welsh being charged with importing arms into that district?—I remember that.

12,540. When was that?—I could not remember the year.

12,541. Was it for informing as to that, that Costelloe was shot at?—I cannot say that, too. I am living a good distance from that man.

12,542. Is that what you heard. You are living a good distance from him now?—I heard it.

Re-examined by the ATTORNEY-GENERAL.

12,543. Just one question about clearing himself in reference to what you said to Sir Charles Russell. Who had he to clear himself before, for paying his rent?—He is a National Land Leaguer himself, and I am one too.

12,544. How did he clear himself, at a meeting, or how?

(*The President.*) The question is rather how he knows it.

12,545. (*The Attorney-General.*) Yes, how do you know Connor cleared himself?—They said that he paid his rent.

12,546. How did he clear himself—how did you know he cleared himself?—He did not pay his rent.

12,547. What did he do?—Do you know what he did to get rid of the boycotting—do you know what he did?

12,548. (*Sir C. Russell.*) He never was boycotted?—He was not boycotted.

20 Nov. 1888.]

PAT WELSH.

[Continued.]

12,549. (*The Attorney-General.*) Why was not he boycotted?—He showed his books that he did not pay his rent.

12,550. Where did he show his books?—At the National League.

12,551. How did you know that he showed his books?

12,552. (*Sir C. Russell.*) Were you present at the meeting?—Well, I was not.

(*The Attorney-General.*) How do you know he showed his books?

(*The President.*) Does he say he was not, because he began by saying some time ago, I attended a meeting of the Land League.

(*Mr. Lockwood.*) “A” meeting.

12,553. (*The Attorney-General.*) How do you know Connor showed his books? Who told you that?—I was told in Ballybunion.

12,554. You were told by whom? Who told you?

(*Sir C. Russell.*) Supposing he was told?

12,555. (*The President.*) Was he told by a member of the Land League?—He showed his books after coming to the Land League.

12,556. (*The Attorney-General.*) He showed his books after coming to the Land League?—Yes; he cleared himself, and he was not boycotted.

12,557. Who told you that?—I know it myself.

12,558. I do not know whether I can get it much further. Did you see him go to the meeting?—I was not in Ballybunion.

12,559. Or coming from the meeting?—Yes, he came home.

12,560. Did he say anything to you as to what he had done there?—He did.

(*Mr. R. T. Reid.*) I submit, with deference, that is not evidence.

(*The President.*) No, I think not.

(*Mr. R. T. Reid.*) The Attorney-General is asking what other persons said.

(*The President.*) Yes.

JOHN CONNOR sworn; examined by Mr. ATKINSON.

12,561. Do you live at Ballybunion?—I do.

12,562. At a place called Farranpierce?—Yes.

12,563. Who is your landlord?—Mead C. Dennis.

12,564. Had you that last witness in your employment about six years ago?—I had.

12,565. And had you also the sons of the first witness?—Yes.

(*The President.*) Give his name, please.

(*Mr. Atkinson.*) The first witness, Pat Sullivan.

12,566. Who is the President of the Land League at Ballybunion?—Father O’Conner.

12,567. Was there some difference between you and the League about your paying your rent?

(*Sir C. Russell.*) This is rather leading.

12,568. (*Mr. Atkinson.*) Was there some difference between you?—A couple of notices were put on my door.

12,569. Did you write a letter to the “Cork Examiner”?—I did.

12,570. When were the notices put upon your door?—I do not remember the dates.

12,571. About how long ago?—I think it was in 1881.

12,572. Had you paid your rent?—I had.

12,573. At the time?—Yes.

12,574. Had you got an abatement?—I had.

12,575. What became of the notices?—I threw them away.

12,576. Did you show them to the police?—I did not.

12,577. Did you read them?—I did.

12,578. What was in them?—To the effect not to pay rent without a sufficient abatement.

12,579. Was there anything else in them?—No.

12,580. Had they been posted on your door before you paid your rent or after it?—After it.

12,581. Was it before or after?—After.

12,582. Did you go to the President of the League, Father O’Conner, the morning after those notices were posted?—I did.

12,583. What did you say to him?—I showed him the notices and I showed him my rent receipts.

[20 Nov. 1888.]

JOHN CONNOR.

[Continued.]

12,584. Did you take down the notices off the door they were posted on?—Not myself, the people.

12,585. At all events you had the notices with you?—Yes.

12,586. And you showed them to the President?—Yes.

12,587. Did your receipts show the abatement you had got?—Yes.

12,588. What did Father O'Conner say to you when you showed him you had got the abatement?—I do not recollect.

12,589. Oh, but something of it?—I do not recollect.

12,590. What did you go to Father O'Conner for?—To show them to the priest.

12,591. He was the Chairman of the League, was not he?—He was.

12,592. And you went to him to show him these notices?—Yes.

12,593. For what purpose?—For the purpose of his seeing them.

12,594. He had never asked you to bring your receipt with you?—No.

12,595. What purpose did you bring your receipt for?—To show the parish priest that I had got the like.

12,596. What?—To show the parish priest then notices were according to my receipts. I got the abatement and to show the notices were wronging me.

12,597. And that you had got an abatement in fact?

(*The President.*) I thought I caught the word "abatement."

(*The Attorney-General.*) Yes.

(*Sir C. Russell.*) He used the word "abatement."

12,598. (*Mr. Atkinson.*) State again what was in the notices?—Not to pay rent without a sufficient abatement.

12,599. Did they contain anything more?—No, there was nothing harder in it.

12,600. But harder or softer, did it contain something more?—There was some more in it, but I do not recollect that.

12,601. Was the word "boycott" in it?—No.

12,602. What were the other words which were in it?—I cannot retain the words now; but I tell you this was the purport of the notices, not to pay rent without a sufficient abatement.

12,603. Did it say anything as to what was to happen if you did pay without a sufficient abatement?—No, there was not anything said to the like of that.

12,604. What did Father O'Conner say to you when you told him that?—I forget what he said.

12,605. What?—I forget it.

12,606. The purport of it?—He did not make much about it because he did not see that the notices were strong enough.

12,607. What?—He did not say much about it, because the notices——

12,608. Were not strong enough?—Yes.

12,609. He did not say what he considered a sufficiently strong notice?—He did not; if they were strong enough he would make a reply.

12,610. But they were not sufficiently strong?—No.

12,611. Did Father O'Conner subsequently tell you your explanation was satisfactory to the League?—Certainly.

12,612. He did tell you that?—He did.

12,613. Were you at any of the meetings that were held of the League afterwards?—I was.

12,614. What meetings were you at?—Ballybunion meetings.

12,615. How soon after this was it that you visited Father O'Conner?—I think I visited him in 1880. I have not a good recollection of it.

12,616. After you showed the notice?—Yes.

12,617. Was Father O'Conner there himself?—Yes.

12,618. Was he in the chair at the meeting?—He was.

12,619. Was any statement made by Father O'Conner or any person at the meeting there in reference to the payment of your rent by you?—He spoke of it. I was not at mass that day, but he spoke of it at mass, and denounced it to the flock.

12,620. Did you say you were there, or you were not there?—I was not at mass that Sunday.

12,621. Well, do not say anything that occurred at a place where you were not. Were you at the meeting after mass?—I was.

12,622. At the meeting after mass did he speak about it?—Denounced it.

20 Nov. 1888.]

JOHN CONNOR.

[Continued.]

- 12,623. Denounced what?—The bit of the notices. What was put in the notices.
 12,624. What did he say about it?—He said it had no right to be done.
 12,625. Did he say why it had no right to be done?—Because it was not necessary to do so.
 12,626. Did he say why it was not necessary?—I do not know if he said why it was not necessary.
 12,627. Did he say why it was not necessary?—He saw, of course, the receipts.
 12,628. That you had got the abatement?—Yes.
 12,629. Was that it?
 12,630. (*Sir C. Russell.*) He said he saw the receipts?—Yes.
 12,631. (*Mr. Atkinson.*) And the receipts showed you had got an abatement?—Yes, that is it.
 12,632. Did you get any message from the League?—Did anybody bring you a message from the League as to the determination they had come to in reference to your case?—No, I do not remember.
 12,633. Are you a member of the League yourself?—I am. I was. There is no League now.
 12,634. Were you a member at this time?—I was.

Cross-examined by Sir C. RUSSELL.

- 12,635. You were a member of the League from the beginning, were not you?—Yes.
 12,636. And continued to be a member of the League all through?—All through.
 12,637. Were all your neighbours members of the League too?—I think the greater part. Every householder was a member of the League.
 12,638. All your respectable neighbours in fact?—Yes.
 12,639. And the parish priest, Father O'Conner, was the chairman?—He was.
 12,640. And who was the vice-chairman, who was the secretary?—The secretary was one Robert Slack.
 12,641. And who was the treasurer?—One Mr. Cornelius Mulviley.
 12,642. What is Slack, the secretary?—He is a farmer.
 12,643. And what is Mulviley?—A farmer.
 12,644. I want to exhaust all this about the notices. Were you ever boycotted at all?—No.
 12,645. Or was any threat made to you at any time?—No, indeed. I travelled late and early going to fairs and back, before and after, and I was never interfered with.
 12,646. I understand you to say there was some notice put up in which it was said—was it addressed to you or was it a general notice—that rents ought not to be paid without a sufficient abatement?—It was not addressed to me.
 12,647. By name?—I think so.
 12,648. Then you say you went down to the parish priest, and you showed you had got an abatement?—Yes.
 12,649. And I understand you to say (tell me if this is right) that he said it had no right to be done?—He did.
 12,650. Denounced the notice?—He denounced it at mass the following Sunday.
 12,651. I want to ask you a little about this rent of yours. Was your rent 176*l.* 16*s.*?—It was.
 12,652. A big rent?—It was very big.
 12,653. Did you think you ought to get an abatement?—I did.
 12,654. Was your rent afterwards reduced to some 87*l.*?—87*l.*; but the landlord put on 3*l.* more. He made 90*l.* of it.
 12,655. So that it was reduced from 176*l.* to 90*l.*?—That is it.
 12,656. But that was not the abatement you got when you paid your rent?—No, it was not.
 12,657. Only 4*s.* in the pound?—About that I think.
 12,658. That is what it was, 20 per cent., but it was afterwards reduced to 90*l.*?—Yes; I complained.
 12,659. I want that my Lords may follow this. You did not go into the Land Court, I think, did you?—I did not.
 12,660. You appointed a valuer, and the landlord appointed a valuer?—We did; both appointed a valuer.

20 Nov. 1888.]

JOHN CONNOR.

[Continued.]

12,661. The landlord's valuer valued it at 87*l.*, and your's at 70*l.*?—All but 4*s.*

12,662. Well, we will say 70*l.* Then it was finally fixed at 90*l.*?—Yes.

12,663. When was that?—1886.

12,664. What time in 1886?—I think in March 1886.

12,665. Now, I must ask you, my man—tell my Lords straightforwardly—had the League anything to do, so far as you know, with any threatening of you or anybody else, or with any outrage in your neighbourhood?—No, I deny that. I think it did.

Cross-examined by Mr. REID.

12,666. You told us what your rent was, and what your rent was reduced to?—Yes.

12,667. Were you living in Kerry in the years 1879 and 1880?—I was.

12,668. In your opinion, at that time were the rents generally such as the tenants could not pay and live?—I know they were, because I made an application for an abatement myself in 1879, and the landlord gave me no hearing.

12,669. I wish to ask this—not about your own rent, but about other rents—in your opinion, as a practical farmer, were the rents in 1879 and 1880 such as the tenants could not pay?—Oh, I believe it.

12,670. That is speaking generally?—Generally.

12,671. Now further. In those years there was great distress, was there not, in 1879 and 1880?—Great distress.

12,672. You have told us that your landlord had declined to make an abatement?—He had frequently until 1881.

12,673. Is it not the fact that in your neighbourhood in Kerry the landlords generally were refusing to make any abatement?—They were.

12,674. In 1879 and 1880?—Aye.

12,675. And did not that cause a very strong feeling?—It did.

12,676. And were not the people in the neighbourhood at that time very apprehensive of very grave consequences by reason of the rents not being reduced?—They were.

Cross-examined by Mr. BIGGAR.

12,677. You have had some experience I suppose of these claims for malicious injuries, have not you? You have, as a ratepayer, taken notice of the claims for malicious injuries which are settled by the grand jury?—I have had some experience.

12,678. In your experience are these awards of the grand jury honest and fair awards, or usually excessive?—Well, I think that they were excessive enough.

12,679. In a general way?—Yes.

12,680. It is the case that the occupier has to pay the whole of the amount of these awards, and the landowner has to pay no part. Is not the county cess payable entirely by the occupier?—It is.

12,681. And these awards, which you say in your opinion are excessive, are paid entirely by the occupier and no part by the landlord?—They are.

12,682. You live near to what is called the Arrong estate?—Yes.

12,683. Is not it the case, or is it the case, that the tenants of this property were very much dissatisfied because land was taken over their heads?—I heard it already.

12,684. You have lived a long time in County Kerry. Is it your recollection before 1879 that a man who took land over another man's head, or land for which another person was evicted, had a popular character?—In what part?

12,685. In County Kerry was it a popular thing in a general way for people to take land over other people's heads, or take lands from which tenants had been evicted for unfair rents?—No, they did not like that.

12,686. It was always unpopular within your memory?—It was.

12,687. Long before the Land League was thought of? Is not that so?—Every time.

Re-examined by the ATTORNEY-GENERAL.

12,688. Have you made a statement since you came to London?—Yes.

12,689. To whom? Just answer, please, who to?—Mr. Soames.

12,690. Anybody else? Now just answer, please, anybody else?—I do not know that I have.

20 Nov. 1888.]

JOHN CONNOR.

[Continued.]

12,691. Do you know where Sir Charles Russell got the particulars of your rent from?—I do not.

(*Sir C. Russell.*) He cannot know that.

12,692. (*The Attorney-General.*) Do you know where he got them from?—I do not.

12,693. Have you made a statement to anybody else besides Mr. Soames?—I made a statement to some gentleman.

12,694. What is the gentleman's name; do you see him here?—I do not.

12,695. What is his name?—I do not know his name.

12,696. Where did you make the statement?—At some office.

12,697. Ely Place; now, come just answer the question?—I could not answer.

12,698. Some office. What was the office?

(*Sir C. Russell.*) Is it a crime?

(*The Attorney-General.*) No, I did not say anything about a crime, Sir Charles.

12,699. What office, if you please?—I have not the particulars.

12,700. Who took you there?—Some boy.

12,701. What boy?—I do not know his name.

12,702. How did he find you out?—I do not know.

12,703. Stand up, if you please. Was he a stranger to you?—He was.

12,704. How did this boy—this strange boy—come to take you to this office. What did he say to you?—He said he would take me to an office that would help me to give evidence.

12,705. Do you know the name of the gentleman you saw at the office?—I do not.

12,706. Have you seen any of them here?—He would be there unknown to me.

12,707. How many people did you see there?—About two or three.

12,708. When was this; how long ago—three nights ago?—Two or three days ago.

12,709. What time of the day was it, the evening?—The evening.

12,710. Tell me who else were taken there, any other witnesses?—There was another boy.

12,711. Speak out, please?—Another young man, yes.

12,712. What is the name of the other young man?—His name is—I forget now; I forget his name.

12,713. Try and think. What is the name of the other witness who went to this office?—I forget his name.

12,714. Just try and remember the office, please. Was not it Ely Place?—Ely Place?

12,715. Was it not Ely Place?—No, I do not understand it. I do not know the address now.

12,716. Do you not know at all where it was?—I do not.

12,717. Do you know the number of the house?—No.

12,718. How did you find it?—This boy showed it to me.

12,719. Have you seen the boy in Court to-day?—The boy in Court?

12,720. Yes; have you seen the boy here to-day?—No.

12,721. Outside have you seen the boy?—No.

12,722. Try and think of the name of the other witness who was taken there with you?—One, Clifford.

12,723. Anybody else?—No.

12,724. Are you quite sure?—No.

12,725. Do you know Father Maloney?—[*No answer.*]

12,726. Do you know Father Maloney?—Of where?

12,727. Do you know Father Maloney?—I do not, sir.

12,728. Before you went to this office were you talking to a priest?—I do not remember.

12,729. Come, now think. Before you went to this office were you talking to a priest?—No.

12,730. After you came back were you?—No.

12,731. At no time?—No.

12,732. Was the statement taken down in writing?—It was.

12,733. Any other statements taken down in writing?—No.

12,734. Only yours?—The very same; I gave it in both places.

12,735. That you swear?—I do.

20 Nov. 1888.]

JOHN CONNOR.

[Continued.]

12,736 How long have you been a member of the Land League?

(*Sir C. Russell.*) From the beginning he says.

12,737. (*The Attorney-General.*) How long have you been a member of the Land League?—I am from the start.

12,738. Now you know you said to this gentleman that the Land League had nothing to do with outrages. Did you say that to the gentleman who took your statement in the evening?—What is that you are saying?

12,739. You said to Sir Charles Russell that the National League or Land League had nothing to do with outrages. It was put to you distinctly?—I said not that I know of.

12,740. Did you say that in the statement which you gave to the gentleman the other night?—I did, for a fact, but I do not remember that the like of that was taken in the statement at all.

12,741. Did you or did you not say that the night you were at this office that you were taken to by the boy?—I daresay I did. I could not answer it now.

12,742. Did anybody tell you anything about that when you were at this place where the boy was or where the boy took you?—I do not know what you say.

12,743. Did anybody say anything to you about the Land League having anything to do with outrages?—No.

12,744. Did you say anything of that kind to Mr. Soames' clerk when he took your statement?—I did not.

12,745. Now, come think?—I did not.

12,746. Were you not asked about the notices that had been served upon you?—I was.

12,747. Were you not asked whether you did not think they were served by the Land League?

(*Sir C. Russell.*) Posted up.

12,748. (*The Attorney-General.*) He understood me?—I do not remember what was asked me.

12,749. Did you say you believed they were Land League notices?—I did not.

12,750. Why did you go to this parish priest about the notices. What had he got to do with them?—I did not go to any priest. I defy anyone to say it.

12,751. I am speaking of in Ireland. I do not want to mislead you. When your notices were posted up, why did you go to the parish priest about it?—Complaining to the parish priest, because he was always in the habit of denouncing anything that was not right.

12,752. Did you not know he was President of the League?—Yes, I did.

12,753. Did you not go to him because he was President of the League?—No, I did not; I went to him because he was parish priest, which is generally a rule.

12,754. You went, not because he was President of the League?—No.

12,755. But because he was parish priest. You did not go to the police?—No.

12,756. And you thought it was nothing to do with the Land League?—I believe it.

12,757. Who do you think had put these notices up?—What I wrote to the "Cork Examiner" was, I thought it was the work of foolish boys.

12,758. Why did you take the receipts to the priest?—To show him the whole of them for his satisfaction.

(*Sir C. Russell.*) I ask leave to ask a question or two about this.

(*The President.*) Certainly.

12,759. (*Sir C. Russell.*) My Lords perhaps, or some of them, do not know much about Ireland, but is the parish priest the man people in their troubles and difficulties are in the habit of consulting?—Yes.

12,760. Is he the man who stands up against the landlord if he thinks they are being oppressed?—No, sir, it is not.

12,761. Is he the man who stands up for the tenants against the landlord, if he thinks the tenants are being hardly used?—He would stand, sir, certainly.

12,762. And have the people been in the habit of going to him in that way as a friend and adviser?—They have.

(*Sir C. Russell.*) I desire to ask your Lordship to permit me to put a question or two upon this.

(*The President.*) Certainly.

20 Nov. 1888.]

JOHN CONNOR.

[Continued.]

Further cross-examined by Sir CHARLES RUSSELL.

12,763. My Lords, or some of them, perhaps, do not know much about Ireland. Is the parish priest the man who, in their troubles and difficulties, the people are in the habit of consulting?—Yes, the parish priest.

12,764. Is he the man who stands up against the landlord, if he thinks the tenants are being pressed?—No, sir, he is not.

12,765. Is he the man who stands up for the tenants, against the landlord, if he thinks the tenants are being hardly used?—He would stand, sir.

12,766. And have the people been in the habit of going to him in that way, as a friend and adviser?—They have, for advice.

12,767. You have made some reference to a letter which you wrote to the "Cork Examiner"?—Yes.

12,768. You were asked by Mr. Atkinson in examination-in-chief about it?—Yes.

12,769. What did you say about that letter that the article contained.

(*The President.*) With regard to this, you had the opportunity of asking it before; I thought you wanted to cross-examine upon the new matter.

(*Sir C. Russell.*) My Lord, I did think that I might mention it. It was merely incidentally referred to in the opening; but I understand my learned friend to suggest now it was not.

12,770. Have you a copy of the letter?—Yes, I have a copy of the letter I have written to the "Cork Examiner."

12,771. Let me see the copy?—The copy of the letter I have written to that paper.

12,772. To the "Cork Examiner"?—Yes.

12,773. Let me see the letter?—(*After searching for the letter.*) As I have not got it here I am afraid whether I must have lost it. I had it in the morning; I do not know whether I have it still.

12,774. Have you the date? I understand you to say you have it; we will get it produced. I understood you to say you thought that it was some wild boys or foolish boys?—Yes, I thought it was, the statement about my being boycotted, that I found it to be untrue, and that I thought the act that was done was the work of a few little boys.

12,775. A few little boys?—Foolish boys, I put down first.

12,776. About this question of your giving a statement; did you make any statement to either of the persons to whom you gave an account of your evidence, except what you believe to be true?—No.

12,777. I do not know whether I can help you at all. Have you seen the person who took you to the office to give your evidence?—No.

12,778. What did you get when you got your subpoena to come here?—What did I get?

12,779. Yes?—I got expenses to come over.

12,780. How much?—Five pounds.

12,781. After you gave your second statement were you promised any money, or given any money, or is there any foundation for suggesting it?—No, nor I would not take money, not for 100l., not a bit of money. I wanted nothing to help me to give fair evidence.

12,782. And you were offered none?—I was not offered a farthing at all.

12,783. Or promised?—The boys said I could get money, and I said if I could have 100l. I would not take a sixpence.

12,784. (*Mr. Justice A. L. Smith.*) Let me ask you a question; where did this boy meet you?—He met me down at my lodging-house.

12,785. Where?—Down at Fetter Street.

12,786. He came to your house?—He was round the place for a bit.

(*The Attorney-General.*) Will your Lordship ask him if knows how he found his address?

12,787. (*Mr. Justice Smith.*) Do you know how he came to find you?—No, I do not.

12,788. He came to your house and took you off to an office?—Yes.

12,789. (*The Attorney-General.*) Will you give us the date of that letter to the "Cork Examiner"?—I have not it; I cannot tell you. I thought I had it in my pocket. It is at the lodging-house I suppose. If I find it I will bring it to you. And there is another thing, there was some process that was served.

(*The Attorney-General.*) That will do.

20 Nov. 13.]

THOMAS STRETTON.

[Continued.]

Head Constable THOMAS STRETTON sworn; examined by Mr. ATKINSON.

12,790. Are you sergeant of the constabulary?—I am head constable.

12,791. In 1881 where were you stationed?—At Listowel.

12,792. Do you remember when the visit took place to the house of Pat Sullivan, and also Pat Welsh, in the month of May 1881?—No, but I happened to be at Ballybunan on the 19th Jnne 1881, and was handed some threatening notice by Sergeant McDonald.

12,793. Is he dead?—Yes.

12,794. Did you take any copies of any notice?—No, but I was handed two copies by Sergeant McDonald along with two original notices.

12,795. Have you got the two originals?—Yes.

12,796. Where are they?—Here.

12,797. You were not present yourself when these were given to McDonald?—No.

(*Sir C. Russell.*) I should not object on that ground. What are the notes purporting to be.

(*Mr. Atkinson.*) Two originals that were taken down from the houses of Sullivan and Welsh.

12,798. Do you know what house these were taken from?—This was taken from the house of Thomas Dooney, blacksmith.

(*Sir C. Russell.*) I have not heard anything about that.

12,799. (*Mr. Atkinson.*) Are they the copies that were given to you by Mr. McDonald?—Yes, these are the true copies.

12,800. These purport to be copies of the notices taken from the houses of Sullivan and Welsh?—Yes.

(*Sir C. Russell.*) I think that is going too far.

12,801. (*Mr. Atkinson.*) You never saw the original of these?—No.

(*Sir C. Russell.*) I do not ask you anything.

(*Mr. Atkinson.*) Owing to the death of the constable I cannot go further.

(*Sir C. Russell.*) If this man knew anything about them I should not object.

DENNIS MCCARTHY sworn; examined by Mr. MURPHY.

12,802. Are you a farmer?—Yes.

12,803. Where do you live?—Kerry.

12,804. What part of Kerry?—Outside the town of Killough.

12,805. Are you a tenant of Lord Kenmare's?—Yes.

12,806. Now in October 1881 did you pay the whole or a portion of your rent?—I paid no rent.

12,807. Have you stated that you did?—I have not.

12,808. To anybody?—I forget now what statement I made, it is so long ago.

12,809. Since you have been over here in London, have you stated to anybody that you paid your rent in October 1881?—No.

12,810. Did some men call at your house one night in October 1881?—Yes.

12,811. About how many men?—From five to six.

12,812. Were there faces covered?—It was soiled.

12,813. Soiled with what?—With some dirt.

12,814. Was there any clothing over their faces?—There was over two of them.

12,815. We are getting on. Why did you say just now that their faces were covered with dirt when I asked you whether there was any clothing over them?

12,816. (*The President.*) He said their faces were soiled and then he said two had clothing on them?—That is the way as your Lordship said.

12,817. (*Mr. Murphy.*) What did they do when they came to the door?—They did nothing at all, but asked me to open the door, and we opened the door and they got in and asked for the pass-book. I showed them the pass-book. They asked me for an acre of land for a poor man that was on the farm; they asked me to give an acre of land to the poor man, and they threw me down and put a few grains into my hip, and when I got up they asked me would I give it, and I said yes.

12,818. What do you mean by the pass-book; do you mean to say the rent-book?—I could not tell it; but they asked me for it and said no more.

12,819. What?—They asked me for it and said no more.

20 Nov. 1888.]

DENNIS MCCARTHY.

[Continued.]

- 12,820. Did you understand what they meant?—I did not.
 12,821. What did you think they meant?—I think they wanted the acre of land.
 12,822. What did you think they meant when they asked for the pass book?—The acre of land they wanted.
 12,823. Was the acre of land the pass book?—It was not.
 12,824. What did you understand them to mean by the pass book?—I understand it was the acre of land that they were wanting all along.
 12,825. Is it a custom in your place to enter the rent in a book when you pay it?—Yes.
 12,826. Is the rent entered sometimes in a book?—Yes, it is always the custom of the place.
 12,827. Do you keep the book?—What is that?
 12,828. Do you keep the book when the rent is entered?—Yes, always.
 12,829. Had you any book except that in your house?—No.
 12,830. And you had a book of that sort?—I have always, sir.
 12,831. They asked you for the pass book, and you did not know what they meant; is that it?—I showed them the pass book.
 12,832. Was that the rent book?—That was where it was entered, the rent.
 12,833. Now as soon as you showed them the rent book they looked at it, I suppose?—They took a light look at it, and no more.
 12,834. Was it then they shot you?—No, sir, until they asked me about the acre of land for the poor man, it was then.
 12,835. Did you tell the police about this outrage or not?—I did not.
 12,836. Why not?—They did not injure me, and I did not want to. What did I want to go for?
 12,837. They shot you and knocked you down?—They did as I was not giving the acre of land. A few grains here, that was all.
 12,838. Did you take the grains out of your leg yourself, or did you go to a doctor?—I did not.
 12,839. Took it out yourself?—Picked it out myself.
 12,840. Why did not you go to a doctor?—I did not feel any way so.
 12,841. Did they ask you whether you were a Land Leaguer?—They never did any thing about it.
 12,842. Who used to pay the rent, you or your wife generally?—My wife paid it sometimes and myself.
 12,843. Your wife may have paid it, though you do not know anything about it?—I did not pay it.
 12,844. Did your wife pay it?—Yes.
 12,845. Is your wife coming down?—Yes, she is here.
 12,846. Did they do anything to her?—No.
 12,847. Not while you were there?—Not while I was present.

Cross-examined by Sir C. RUSSELL.

- 12,848. How long have you lived on the Kenmare property?—I have lived on it all my life through.
 12,849. Have you been there all your life?—Yes, all my life.
 12,850. And your father before you, I suppose?—Yes.
 12,851. Do you recollect when Mr. Galway was the agent for the property there?—I do well.
 12,852. That is a brother of Father Galway, is not it?—What's that?
 12,853. Perhaps you do not know. Things were very peaceable then, were not they?—Yes.
 12,854. He was a kindly man?—Yes.
 12,855. Mr. Galway was?—Yes, he was.
 12,856. When was the agent changed; was it in 1876 or 1877, do you recollect?—I forget now.
 12,857. Was there a rise of rent immediately after?—There was sir, straight.
 12,858. Who was the agent?—Mr. Hussey.
 12,859. Had there been any trouble upon the Kenmare property until the time of Hussey's appointment as agent?—No, not a bit in the world.

20 Nov. 1888.]

DENNIS MCCARTHY.

[Continued.]

- 12,860. Were you a Land Leaguer yourself?—Eh?
- 12,861. Were you a member of the Land League?—Yes.
- 12,862. Were all your neighbours?—Yes, all round me at all events.
- 12,863. Did you become a member of the National League when it was started?—Yes.
- 12,864. And your neighbours round about?—Yes, all that I knew.
- 12,865. Now I want to understand about these men; there were five or six of them came, you say?—Yes.
- 12,866. Some of them with soiled faces, and some with some covering on their faces?—About two.
- 12,867. And they asked you for the pass book?—They did as soon as they came in.
- 12,868. And then they asked if you would give an acre of land to some poor man?—Yes.
- 12,869. Was that a labouring man?—Yes.
- 12,870. Was he a labouring man that used to labour for you?—He was, sir, but not always.
- 12,871. Who was the president of the League there?—I forget now, sir, at the time.
- 12,872. At that time you forget who was there?—Yes.
- 12,873. Do you recollect who was the secretary?—I do well.
- 12,874. Who was it?—The secretary, I could not tell you anything about him; I am no scholar.
- 12,875. You do not recollect who the president at that time was?—I could not tell you.

(The Court adjourned for a short time.)

KATE MCCARTHY sworn; examined by Mr. MURPHY.

- 12,876. Are you the wife of Dennis McCarthy?—Yes.
- 12,877. Do you remember some men coming to your house in October 1881, in the middle of the night?—I do.
- 12,878. How were they dressed when they came?—They were dressed like any man.
- 12,879. And their faces?—There was some covering on their faces.
- 12,880. What did they say when they came in?—They asked me, would he give an acre of land to the poor man that was living in the farm.
- 12,881. Did they say anything before that?—They asked for the pass book.
- 12,882. Was the pass book brought out?—It was.
- 12,883. Did they look at it?—I could not say.
- 12,884. Had your husband paid some of his rent before that to your knowledge?—What do you say?
- 12,885. Had your husband paid some of his rent before these men came?—He had a long time.
- 12,886. About how long before?—I could not exactly tell you.
- 12,887. Was it a fortnight before?—I could not say.
- 12,888. I propose with your Lordships' permission to ask her this question, whether she gave a particular answer to this question—"Did you tell Mr. Soames' clerk that he had paid his rent a fortnight or three weeks before the men came"?—It was not my husband that paid it, it was I that paid it some time before that.
- 12,889. Did they ask about the pass book first when they came?—I was not in the room. I could not tell you exactly that.
- 12,890. Were you asked anything about giving the acre of land?—I was.
- 12,891. What did you say?—I said I would not interfere with my husband.
- 12,892. What did they do then?—They only fired shot over my head. I could not say whether they shot over my head or back.
- 12,893. Near your back?—No; I heard the report over me, but I did not look.
- 12,894. (*Sir C. Russell.*) I do not trouble you.

Sergeant DAVID DROHAN sworn; examined by the ATTORNEY-GENERAL.

- 12,895. You are a sergeant in the Irish Constabulary?—Yes.
- 12,896. Were you stationed at Rackmore in the year 1881?—Yes, Rathmore.

20 Nov. 1888.]

DAVID DROHAN.

[Continued.]

12,897. Do you remember the occasion when some men visited M'Carthy's house?—Yes, I was on duty and I heard it casually. He did not repeat it to me.

12,898. You heard it?—Yes.

12,899. Have you found yourself any notices posted up by his house just before that?—Not near his house; some distance away.

12,900. How far away?—About a mile.

12,901. Anything about the rent?—It was a general notice cautioning tenants not to pay rent.

12,902. Was there any Land League in that neighbourhood at that time?—Yes, there was a branch of the Land League in a village about a mile from his house called Greeveguilla.

12,903. Do you recollect whether the notice not to pay rent had any reference to the Land League or not?—I could not say.

12,904. You went to his house and found he had been shot at?—Yes.

Cross-examined by Sir CHARLES RUSSELL.

12,905. How long were you stationed at Kerry?—I was stationed in that district from November 1877 till August 1882.

12,906. What part of the county had you been stationed in before?—Galway, the East Riding.

12,907. Up to 1877?—Yes.

12,908. After August 1882 where did you go to?—Castleisland, in county Kerry also.

12,909. Castleisland from August 1882 to the present time?—Yes.

12,910. You are there now?—Yes, in the district; not in the town.

12,911. In the neighbourhood?—Yes.

12,912. Are there many secret societies in Kerry?—Well, I could not say exactly.

12,913. Have you heard so?—Yes, I have heard of some there.

12,914. What were their names?—The only society I heard of was the Moonlighters.

12,915. Have you not heard of the Rockites?—No.

12,916. Ribbon men?—No.

12,917. Moonlighters?—Moonlighters.

12,918. Well, according to your information, were these Moonlighters principally young boys?—They are principally farmers' sons and small farmers themselves.

12,919. That is your information?—Yes.

Re-examined by Sir HENRY JAMES.

19,920. Did you know these men as being farmers or farmers' sons?—Yes.

12,921. Do you know as a fact whether they or any of them belonged to the Land League?—I do.

MARY HICKEY sworn; examined by Mr. ATKINSON.

12,922. What was your husband's name?—Cornelius Hickey.

12,923. What business did he follow?—He was a caretaker before he was shot.

12,924. Was he a caretaker on an evicted farm, till—

(*Sir C. Russell.*) Where does he live?

12,925. (*Mr. Atkinson.*) Was he caretaking any farm?—Yes, minding a farm.

12,926. Where was that farm situated; near what town was it?—Near Castleisland.

12,927. Do you remember in 1880, about six years ago?—It was in the year 1882.

12,928. Did some people come to your husband's house at night?—They did; they came to the house; I do not know who they were.

12,929. At night?—Yes.

12,930. You were living upon this farm?—He was not; he never lived upon the farm.

12,931. He was taking care of the farm?—He was for a considerable while before that.

12,932. Did the men come into the house?—I could not tell you, they only broke the door and fired in the shots.

12,933. Did they say anything?—Not a word.

12,934. Now shortly after that were you in the town of Castleisland with your husband?—Yes.

20 Nov. 1888.]

MARY HICKEY.

[Continued.]

- 12,935. Were you returning home in the evening?—Yes.
- 12,936. Do you remember the month it was?—I do, it was the 8th of June.
- 12,937. You were coming home; were you walking or how?—We were walking together.
- 12,938. Were there only the two of you?—That is all.
- 12,939. Do you know a place called Crag on the road from Castleisland, going to the place where your husband lived?—Yes, I do.
- 12,940. The 8th of June 1882?—Yes.
- 12,941. What business had you been doing in Castleisland that day?—It was a holiday day.
- 12,942. Was it the Road Sessions?—Yes, it was a holiday, there was a Court in Castleisland that day.
- 12,943. Was your husband attending the Court?—He was summoned that day to the Court.
- 12,944. Did he summon some person, or was he summoned himself?—It was some assault.
- 12,945. Some case he had?—Yes.
- 12,946. What was the case?—It was an assault, I think he got.
- 12,947. As you were going home did anything happen to your husband on your road home?—Yes.
- 12,948. What was it?—Two men came out of the road and told him to stand.
- 12,949. Told him what?—Told him to stand. They pointed a revolver at him.
- 12,950. Did they say anything to him when they told him to stand?—Of course he did nothing but stand; what could he do?
- 12,951. Did he stand?—He did.
- 12,952. Did they fire at him?—They did.
- 12,953. In both legs?—In one leg.
- 12,954. Did they say anything to him at all as to why they fired at him, or give any reason for it?—They asked him would he land-grab any more. He said he never did and never would.
- 12,955. Was it after that he was fired at?—Yes.
- 12,956. Immediately after?—Yes.
- 12,957. Was there any other question or any other remark made?—No, no other remark.
- 12,958. Where was your husband brought to?—He was brought into Castleisland. He was carried home that evening. He was near the house.
- 12,959. What house?—To his own house; and he was brought in the following day to Castleisland to the hospital.
- 12,960. Is there a man of the name of Dennis Hickey, a publican?—Yes.
- 12,961. Was your husband brought to his house?—He was, the first night.
- 12,962. Is he living in Castleisland?—Yes, he did.
- 12,963. Did he live at Castleisland?—Yes, he did.
- 12,964. I suppose your husband was a relative of his?—He was the same name, but they had no relation. We had one name.
- 12,965. While your husband was at Hickey's house that night, did you see any notice that was posted up at Hickey's, the publican's, house?—I did not see it, but I was told it was there.
- 12,966. You did not see it?—I did not, but it was there.
- 12,967. When you went to Hickey's house that night, had you any arrangement made to go to the hospital that day, or were you to have kept your husband in Hickey's house?—It was the following day we went to the hospital.
- 12,968. When you went the day before to Hickey's house, was he to be left at Hickey's house in order to be attended by a doctor?—Yes.
- 12,969. But the next day he was removed to hospital?—Yes.
- 12,970. What was the object of removing him to the hospital the next day?—He was noticed not to have him in the house.
- 12,971. Who was noticed?—The man at the house.
- 12,972. That is Hickey the publican?—Yes.
- 12,973. Not to have your husband in the house?—Yes.

20 Nov. 1888.]

MARY HICKEY.

[Continued.]

Cross-examined by Sir C. RUSSELL.

12,974. Were not you in error in saying that your husband was caretaker of an evicted farm. That is not true, is it?—He was four months looking after the place; he never lived in it.

12,975. So if that is the case you and your husband lived originally at Carseveen?—No, he did not, he only had the land at Carseveen.

12,976. Had not your husband a farm at Carseveen?—No.

12,977. Had your husband no farm there?—No.

12,978. Did he lend some money to his brother James?—Oh, that is the one; to someone he gave the money, and it is nothing.

12,979. Was it to Michael, his brother, with the land?—It is Michael. James took it.

12,980. I want to put it to you. Was it Michael that had the farm at Carseveen?—No, but it was the brother at Carseveen that took the land, it was himself that took the land.

12,981. What was the name of the man that lived at Carseveen?—James Hickey.

12,982. He was a brother of your husband?—Yes.

12,983. Did he lend money upon a farm near Castleisland belonging to a brother named James. Had your husband a brother called James?—It is that man that had the land—James Hickey that has the land.

12,984. Was your husband put in to take care of this land for Michael that had the farm at Carseveen?—He had the farm at Carseveen, the man took the land, they had no farm at Carseveen.

12,985. I know you had no farm, but was your husband put into the land with James to take care of it for Michael who had the farm at Carseveen; he was the man who carried on some business at Carseveen?—He is there.

12,986. Just follow me. Was not James your husband's brother, and was not he taken up and sentenced to four months' imprisonment for intimidation?—James? Is it Michael? It was not James.

12,987. Was it Michael?—Yes.

12,988. And had four months in gaol for threatening or intimidating your husband?—No; it was for forcible possession.

12,989. That is to say, for taking land that your husband thought he had a right to hold, and that Michael was claiming?—My husband had his own farm.

12,990. What I want to get is this, it is rather difficult to do it, but your husband's brother was put four months in prison?—Yes.

12,991. That was after a dispute with your husband?—No, not for a dispute, for it was to take the house back again; taking forcible possession.

12,992. For taking forcible possession of what?—Of the house.

12,993. Of the house which your husband was claiming?—It is not my husband, but James was caretaker.

12,994. I know, but which your husband was claiming as caretaker for James; is not that it?—Yes.

12,995. And after this attack upon your husband, you know, when he was shot in this brutal way, was it James or was it Michael?—Michael.

12,996. Michael was arrested on suspicion?—No, sir, he was not taken on suspicion, it was not him at all, because Michael was in gaol when he was killed.

12,997. Was not he afterwards re-arrested on suspicion?—No; he was not.

12,998. What?—No; he was not taken.

12,999. Was James his brother?—It is James that has the land.

13,000. Was it James that was arrested on suspicion. Was any brother of yours?—No; there was not.

13,001. Was there any brother of your husband's arrested?—No.

13,002. Was any son, either of James or Michael, arrested?—No, sir.

13,003. Was there anybody arrested?—There was a deal arrested, but no proof.

13,004. Who was arrested?—There was a good many arrested.

13,005. How many?—A good many were arrested; I do not think.

13,006. Was there not somebody of the name of Hickey arrested?—No, sir.

13,007. What?—No, sir.

13,008. Are you sure?—There was several arrested; but there was no proof.

20 Nov. 1888.]

MARY HICKEY.

[Continued.]

13,009. Your husband was popular with his neighbours there, was not he?—Yes.

13,010. What time of the year is St. Stephen's Day do you know; it is about close to Christmas, is not it?—Yes.

13,011. You had a dance at your house on that day, had not you?—I hardly know. It is about seven years ago that happened in my house.

13,012. I am not finding any fault with you. You had a dance at your house at Christmas before?—I suppose I had.

13,013. And all your neighbours and friends attended?—Yes.

13,014. And were they on friendly terms with you?—Yes.

13,015. Now, Mrs. Hickey?—I will tell you the truth.

13,016. I am not suggesting that you will not, but just tell me, was not it said in the country that this brutal attack on your husband was because of the dispute he had with his brother about this rent, was not it?—It was about what occurred afterwards.

13,017. Was that what was said?—Yes.

Re-examined by Mr. ATKINSON.

13,018. You were asked whether your husband was popular in the country. Do you know whether this case was mentioned at the Land League meeting?

(*Sir C. Russell.*) Was she there?

13,019. (*Mr. Atkinson.*) Were you at it?—No.

13,020. You were asked was he popular throughout the country. Was it reported in the country whether his case had been before the Land League?—It was from a mere hearing.

13,021. Was it reported through the country?

(*Sir C. Russell.*) There was not a Land League at that time.

13,022. (*Mr. Atkinson.*) In 1882?—No.

13,023. Was it reported in the country at the time?

(*Mr. R. T. Reid.*) I submit that is not an admissible question.

(*The President.*) I think it is, in connexion with was he a popular man. The question means was there some change in his popularity; that is what is suggested; however, it comes to nothing.

13,024. (*Mr. Atkinson.*) You do not know whether it was or not?—No.

13,025. You do not know whether it was reported that the case had been considered by the League?—No.

13,026. Your brother Michael was in gaol at the time your husband was shot?—He was.

(*Sir C. Russell.*) Again in this connexion I would ask permission to refer—I think it is convenient it should be done at this moment—to what appeared in the “Kerry Sentinel,” upon this occurrence being reported. My friend can check it; it is the 9th June 1882 and 7th July 1882, it was some time after the occurrence, but before he died. The first notice, my Lord, is this, “Last evening about 4 o'clock as a farmer named Cornelius Hickey residing at Crumey within two miles of this town was proceeding home accompanied by his wife, when within about half a mile of his house two persons, who evidently were laying in wait for him, emerged from behind a fence and without exchanging a word fired two shots which took effect in the right leg below the knee. It is thought that the pellet passed through the leg. The unfortunate man with the assistance of his wife struggled a short distance to a house where he was in a short time treated by Dr. Nolan. Sub-inspector Davis, Head Constable Huggins, and a party of police went promptly by the bedside of the wounded man who stated he could not identify any of the parties. One of them he states was in the garb of a woman, the second dressed in male apparel, and both heavily masked. Hickey is a caretaker on a farm which was taken lately from his brother Michael,” then there is a kind of editorial note.

(*The President.*) Are you reading from the newspaper?

(*Sir C. Russell.*) I have it in a copy.

(*Sir H. James.*) I presume my learned friend has taken steps to verify it?

(*Sir C. Russell.*) I have not taken any steps; I am not committing myself to a statement that I have compared them. I am only reading what purports to be a copy, “7th July 1882. This morning intelligence was conveyed to town that the unfortunate Cornelius Hickey, who was recently fired at near Castleisland, succumbed to

20 Nov. 1888.]

MARY HICKEY.

[Continued.]

“ his wounds. It appears that his leg had been amputated on Tesday last, and the
 “ poor man became gradually weaker after the operation, and died last evening. Six
 “ men are at present in custody on the charge of being concerned in the outrage, but
 “ it appears he failed to identify any of them. We cannot refer to this sad event
 “ without again raising our voice in protest against the cowardly and bloodthirsty
 “ policy which dooms to death, or lifelong torture, an unfortunate fellow-creature, and
 “ we call upon all righteous men who love religion and peace, and value the well-being
 “ of our devoted land, to do all in their power to discourage and cry down these
 “ diabolical deeds of blood and vengeance, which are so alien to the true instincts of
 “ the Irish people.” Then there is a note which refers to it. I may as well exhaust
 it. It is the 21st of July 1882: “ A private inquiry was held at the County Hall. The
 “ prisoners charged were remanded again, the magistrates remarking, that if the
 “ information contained in a letter which Constable Gilhooly said he had got, and
 “ which he thought implicated the prisoners, turned out to be false, he would discharge
 “ both the prisoners.”

Head Constable DAVID GEORGE HUGGINS recalled; further examined by Mr. ATKINSON.

13,027. Were you head constable at Castleisland in the year 1882?—Yes.

13,028. Do you remember the time this outrage was committed on Hickey?—Yes.

13,029. Was he brought in to the house of a publican named Hickey in Castleisland?
 —He was first brought home, and the next day he was brought in in order to be near
 the doctor, to David Hickey's house.

13,030. He was brought in there for the purpose of being attended to by the doctor?
 —Yes.

13,031. Did you see a notice that was posted upon the house of this publican?—Yes.

13,032. On the night of the day of this wounded man being taken there?—Yes.

13,033. Have you got the notice?—I have not.

13,034. Have you searched for it?—Yes, I have.

13,035. Could you find it?—I could not find it; I left there in 1886, and I left the
 papers behind me.

13,036. Did you see it posted yourself?—No, I did not see it posted, but it was
 handed to me by David Hickey.

13,037. What was in it?—It threatened any person who would enter Hickey's house
 while Cornelius Hickey was stopping there.

13,038. In consequence of that—

(*Sir C. Russell.*) Do not say “In consequence.”

13,039. (*Mr. Atkinson.*) Was the man removed to the hospital?—He was.

13,040. Was it in consequence of this notice?—It was.

13,041. Did he die in the hospital?—Yes, he died about a week after his leg was
 amputated.

13,042. One of the legs was amputated, and he died?—Yes.

(*Sir C. Russell.*) It was not a week after.

13,043. (*Mr. Atkinson.*) How many days after?—He died, I think, about a week
 after that.

13,044. (*Sir C. Russell.*) No.

(*The Witness.*) I do not know exactly about the date.

(*Sir C. Russell.*) It was nearly a month afterwards, it was a month all but two
 days. I have no questions to ask.

WILLIAM WILLIAMS sworn; examined by Mr. RONAN.

13,045. Do you live at Bruceterfield on the property of Mr. Orton?—I do.

13,046. Do you recollect in the year 1884 he evicted a tenant named Fitzgerald?
 Yes.

13,047. Were you working for Mr. Orton on the farm Fitzgerald was evicted from?
 —I was.

13,048. Do you remember some people coming to your house about 12 o'clock at
 night?—I do.

13,049. How long ago was that?—I think about November 1885, or between
 November and December of 1885.

20 Nov. 1888.]

WILLIAM WILLIAMS.

[Continued.]

13,050. You were working on the evicted farm at that time?—I was.

13,051. What did you first hear—was it a knocking at the door?—Yes.

13,052. What sort of a knocking?—They bursted it in with a heavy rock.

13,053. What did you say to them?—I heard the bedroom door being struck with the stones, and I shouted, Who is that breaking in the house.

13,054. And what did they say?—They said it was Captain Moonlight, and I asked him what he wanted, and he said, "Come up, come up. I want you." "Indeed," I said, "I won't come down neither." "Oh, come up," he said, "come up." "No," I said, "I can hear what you have to say where I am. Say what you have to say." He slipped out then out of the front door and fired in through the window towards where I stood.

13,055. Could he see you from where he was?—He could not, and I fired.

13,056. Did the shot hit you?—No, little grains touched me about the hip. They did not hurt me, but I hardly felt them.

13,057. Was the bolt of the window broken by the shot?—It was.

13,058. Was that an iron bolt?—Yes.

13,059. A short time before this did you get any notices?—I did.

13,060. How did they come—was it by post or were they fastened on the house?—By post.

13,061. What did you do with them?—I gave them to Mr. Orton and he handed them to the police. I showed him.

13,062. What was in them?—The first one I got was apologising—I ought to quit the place.

13,063. Is that one of them [*handing paper to witness*]?—It is; that is one of them.

13,064. Now look at that other one. [*Passing a document, which was put in and read and was as follows:—*]

"Head Quarters.

"Take notice, anyone that will shoot Hungry Orpen of Killala the Orange

"Bastard and also his Emergency bailiff Bill Williams will receive the reward of

"500*l.* with the greatest pleasure the moment the deed is done. Now is the time

"for anyone that wants to take the money."

Is that another of them?—That is one which was put up on a tree, I heard, in the road. That did not come to my house.

13,065. You did not see this one yourself?—No.

13,066. After this did you get police protection?—Yes.

13,067. Did you carry arms since?—Yes.

13,068. Up to this time, the working on this evicted farm, had you always been on good terms with your neighbours?—I had, the best of terms.

13,069. Had they any other spite against you or cause of complaint?—No, they could not have had.

13,070. You had no enemies in the district?—No.

(*Sir C. Russell.*) I do not ask any question.

Cross-examined by Mr. Lockwood.

13,071. Is it Henry Orpen the man of whom you spoke?—Richard Hungerford Orpen.

13,072. Do you know a man of the name of Whateley or Wheatley?—I did. I do. If I saw him at present I would know him.

13,073. You would know him?—Yes. I have not seen him now for a long time.

13,074. Was he any relation of Orpen's?—He was a son-in-law.

13,075. Was there a quarrel between Orpen and Whateley?—There was some law proceedings between them.

13,076. They quarrelled?—They did not quarrel any more than have some law. Mr. Whateley had had some law proceedings taken against him.

13,077. Do you know what it was that was the cause of the law proceedings between Whateley and Orpen?—I heard a little about it.

13,078. Tell us what you heard. What was it? What was the cause of this dispute between the Whateleys and the Orpens?—I believe it was something about a breach of character or one thing or another of that kind.

20 Nov. 1888.]

WILLIAM WILLIAMS.

[Continued.]

13,079. But whose character had been breached?—Oh, I was not told of that. It was about the granddaughter, I believe, of his.

13,080. Tell me what was the cause. There was some dispute between them with regard to the granddaughter?—Something happened to the granddaughter.

13,081. Something of a delicate nature, perhaps?—Yes.

13,082. Very well, we will not go into it. Was the result of that that there was a trial at the Cork assizes?—It was not tried; it was settled without.

13,083. But did you go to the Cork assizes prepared to try it?—Yes, we did.

13,084. Which side did you take?—It was Mr. Whateley that took me.

13,085. Did you go to give evidence for him?—I did.

13,086. Against the Orpens?—Yes.

13,087. When was this?—Last March three years. I do not exactly know, but it was in March. It was at the spring assizes.

13,088. I am sure I do not want to go into the detail of this quarrel between the Orpens and the Whateleys, but was it a family dispute?—Yes.

13,089. And a bitter one?—Yes.

Re-examined by Mr. ATKINSON.

13,090. What was the Christian name of this Fitzgerald?—Garrett.

13,091. Is there a place called Barrowduff near where you are living?—Yes, it is one of the parishes.

13,092. About what time did this outrage occur. What was the exact date of it?—About November or December of 1885.

13,093. How long ago was this trial of Mr. Whateley's you were subpœnaed on? A couple of years ago?—It is that much anyway. Whether two or three, I could not say. It was at the spring assizes, I remember. I think so.

(Sir H. James.) My Lord, we will now put in a file of "United Ireland." The paper is dated Saturday, January 16th, 1886. We have given formal proof of the registration of "United Ireland."

(Sir C. Russell.) There is no objection.

(Sir H. James.) There are several columns under the heading of the Irish National League. Under that heading comes a paragraph headed "Barrowduff (county Kerry)."

(Sir C. Russell.) What is this *à propos* of?

(Sir H. James.) Of this case.

(Sir C. Russell.) This was November 1885, he says.

(Sir H. James.) So it is, January 16th. I am reading—

[The paragraph was put in and read, and was as follows:—]

"Barrowduff (co. Kerry).

"Mr. Timothy Counihan, L.P.G., Vice President, in the chair.

"The following resolutions were passed unanimously: 'That we condemn in the strongest terms possible the action of those landlords who are evicting their tenants in our locality for the nonpayment of impossible rents in these depressed times, and we earnestly call on the Government to protect Her Majesty's subjects from their nefarious actions. That we also, in emphatic terms, condemn the action of a farmer for working on Garrett Fitzgerald's evicted farm; and furthermore condemn those persons who hold intercourse with him or aid him in his unmanly action.'"

HENRY WILLIAMS sworn; examined by Mr. RONAN.

13,094. You are a son of the last witness?—Yes.

13,095. Do you know Garrett Fitzgerald's farm?—Yes.

13,096. After it was evicted you and your father used to work it for Mr. Orpen?—Yes.

13,097. Do you remember the night your father's house was fired into?—Yes.

13,098. Did you hear a shot?—Yes.

13,099. Did you hear any people on the road?—Yes.

13,100. How many people about?—I heard them on the road, I could not see them.

13,101. Could you tell how many?—I could not.

20 Nov. 1888.]

HENRY WILLIAMS.

[Continued.]

- 13,102. Did you hear any of them say anything?—I heard one say, "Halt."
 13,103. When you got home did you see the marks on the window?—Yes.
 13,104. Was anyone arrested for this thing?—No.
 13,105. After this were you all boycotted?—In a certain way.
 13,106. Tell us the way?—Some of the people not speaking to us.
 13,107. Were you at school at the time?—I was working for Mr. Orpen.
 13,108. Did you go to school?—I went to the chapel afterwards.
 13,109. How used the people to treat you there?—Some of them used to pelt me with earth and stones.
 13,110. Used you to go to school at that time?—Yes.
 13,111. How were you treated at school? How used other scholars to treat you?—Some of them used not to speak to me; more of them used.
 13,112. Do you know Father Shanneragh?—Yes.
 13,113. Do you know what connexion he had with the League at the time?
 13,114. (*Sir C. Russell.*) Had he any?—I believe he had. He had some connexion with it. I do not know what.
 13,115. (*Mr. Ronan.*) Was your father a member of the League?—He was once.
 13,116. Was he at the time the house was fired into?—I am not sure. He was before.
 13,117. Do you know two men named Reardon and Buckley?—Yes.
 13,118. Are they Leaguers?—Yes.
 13,119. Did they do anything to you when you were on the road?—I met Reardon and Buckley, and Reardon led Buckley's jennet on to the centre of the road, so that I was forced to go into the dyke.
 13,120. Did they boo at you as you were passing?—After I had passed they did.
 13,121. Do you know a girl named Kate Donohoe or Kate Donovan?—I do not know Kate Donovan.
 13,122. Do you know any girl that was a friend of yours that had her hair cut off?—I know what you mean. It was said her hair was cut off, but it was not.
 13,123. You did not see it?—No. Ellen Denohue, this gentleman means.

Cross-examined by Mr. LOCKWOOD.

- 13,124. You heard about the girl's hair being cut off?—Yes.
 13,125. Are you a popular character in the neighbourhood where you live?—No.
 13,126. And you were not popular at school?—No.
 13,127. Do you ever remember being popular?—Yes.
 13,128. Before you went to school?—Yes.
 13,129. But not since?—No.

Cross-examined by Mr. HARRINGTON.

- 13,130. Was it you or your brother was accused of moonlighting; were you brought to trial for moonlighting or your brother—which of the two?—No.
 13,131. Not you?—Nor any of us, neither me nor my brother.
 13,132. You were never charged with moonlighting?—No.
 13,133. Which of you did Miss Whateley swear for at the trial at the assizes?—Miss Whateley swore for George Williams, that he was not the man who beat Doherty on the road.
 13,134. He is not your brother, is he?—He is. He was not accused of moonlighting, though.

Re-examined by Mr. RONAN.

- 13,135. Had you any difference with the people before the Land League times. You were asked whether you were ever popular. Did they ever treat you this way before the Land League?—No.

CHARLES PASTON CRONE sworn; examined by Mr. GRAHAM.

- 13,136-7. You are an inspector of the Irish Constabulary?—Yes, I am district inspector.

20 Nov. 1888.]

CHARLES PASTON CRONE.

[Continued.]

13,138. Where are you stationed?—I am stationed in Killarney.

13,139. Do you recollect William Williams' house being fired into?—Yes, I do.

13,140. Had there been a number of threatening notices posted in the district before that?—Yes, a great many.

13,141. And had the conduct of Orpen, for whom he was working, in evicting a tenant been denounced at the League meetings and published in the newspapers?—I heard it all over the district.

(*Sir C. Russell.*) We cannot have this.

(*The Witness.*) I heard it was denounced and I saw the extract.

13,142. (*Mr. Graham.*) Is this you have here a cutting from "United Ireland"?—That is an extract I cut from "United Ireland."

13,143. Just look at these notices? Were they notices posted in the district?—These notices were posted in the district and sent in to my office in the ordinary course.

13,144. (*Sir C. Russell.*) You do not know whether they were posted or not?—They were sent into my office.

13,145. (*Mr. Graham.*) Did you receive them from your officers in the ordinary course of their duty?—Yes.

13,146. Look at it; was that the notice?—No, that is not the notice.

13,147. Perhaps I had better read it. The first is headed "Captain Moonlight."

[*The document was put in and read and was as follows:—*]

"Captain Moonlight.

"Do hereby caution, on pain of death, all persons in this district to have no dealing or communication with the miserable Bums and emergency wretches

"Bill Williams

"and

"Daniel Culloty

"who are betraying their country's cause by working for that hellish evictor Orpen. I do hereby swear, by God's right hand, that vengeance sure and sudden will overtake anyone who will not abide by this notice.

"(Signed) Moonlight."

Then there is a rough picture of a coffin,

This one is rather dilapidated—something about Captain Moonlight.

"Emergency Bill Williams and Dan Culloty were betraying their country's cause by working for that hellish evictor Orpen. I do hereby swear, by God's right hand, that vengeance sure and sudden will overtake anyone who will not abide by this notice. I request my faithful warriors to do their duty.

"(Signed) Moonlight."

There is a picture of a coffin with death written in it.

DANIEL DOWLING sworn; examined by Mr. MURPHY.

13,148-9. Are you a farmer living at Castleisland?—Yes.

13,150. Prior to, and up to March 1882, had you always paid your rent regularly?—Yes.

13,151. I think you had had a reduction on the occasion of your paying it shortly before March 1882?—Yes.

13,152. About half-past 1 on the morning of the 6th March 1882 were you in bed?—I was.

13,153. Did you hear a noise in the kitchen, or were you called by name by some people in the house?—Yes.

13,154. What did they call?—They called me by my name, and to come up and to get into the kitchen from my bedroom.

13,155. What did they say?—They asked me, did I pay my rent. I said I did.

13,156. What next?—They asked me why I did. I said the rest of the tenants paid it before me, and that I did the same.

13,157. What next?—I was then ordered outside the door.

13,158. Did they fire at you then?—They did.

13,159. Could you see who it was that fired at you?—I could not.

13,160. How was that?—Because when I got into the kitchen I was told to keep looking to the ground.

20 Nov. 1888.]

DANIEL DOWLING.

[Continued.]

13,161. Did you do so?—I did so.

13,162. I think the shots struck you in the thigh?—Yes.

13,163. And after shooting you, did they go away?—They did.

13,164. Did you after this get police protection?—Yes.

13,165. How have you been treated by your neighbours since this event? — I did not see any change. Whenever I met them going to fair or market I used to find them saluting me and speaking to me.

13,166. Why did you get police protection if that was so?—Well, the authorities thought I needed the like, and I did not object.

13,167. Did you ask for police protection?—Well, I really cannot remember. I suppose I did.

13,168. You must try and think, please. Just try and think?—Likely.

13,169. Did you ask for police protection after the outrage?—Likely I did do so.

13,170. I think you made a claim for compensation which was allowed?—Yes.

13,171. Is it true or not that after this time the neighbours took no notice of you when they met you?—Well, I did not see any change in them. There may be some outside my knowledge that may have an ill-feeling towards me.

13,172. Were you on good terms with your neighbours before this happened?—I was.

13,173. Have you said to anyone that after this the neighbours took no notice of you?

(*Mr. Reid.*) My Lord, I submit my learned friend is not entitled to treat this witness as a hostile witness or to put to him questions in cross-examination.

(*The President.*) No, I not think so. I said so before. I think he too readily assumes the witness is hostile. There is nothing in the man's manner to suggest it.

(*Mr. Murphy.*) If your Lordship thinks so I cannot press it, of course.

Cross-examined by Mr. REID.

13,174. You have said that before this outrage upon you the neighbours were upon good terms with you?—Yes.

13,175. And as far as you observed since then, they have been on good terms also?—Yes, I saw no change. They would lend and borrow from me.

13,176. Who was your landlord?—Mr. Blennerhassett.

13,177. Was that Mr. Arthur Blennerhassett?—No, William Blennerhassett.

13,178. At that time when this outrage took place, was there any excitement in the neighbourhood in regard to paying rents? Was there any excitement about that?—There was.

13,179. Just tell me, please, what it was?—The tenants in the property I lived on were served with writs.

13,180. A good many eviction notices, is that so—or writs for rent?—Writs for rent.

13,181. And that raised considerable excitement among the tenants, is that so?—Well, likely it did.

13,182. And were these tenants wanting abatements?—They were.

13,183. And yourself, were you wanting an abatement too?—I was.

13,184. What was the rent you were paying then?—For the farm I was paying at one time 150*l.*

13,185. Have you had it reduced since?—To 105*l.*

13,186. Was that a judicial rent?—Yes, by judicial fixture.

13,187. And were similar reductions made among the other tenants?—Yes; at that time there was a per-centage given of 30 per cent., but it was only temporary.

13,188. There was an abatement given?—Yes.

13,189. Was that before you paid your rent or after?—It was before I paid my rent.

13,190. Before this outrage took place?—Yes.

13,191. I do not know whether you were a member of the League at all,—the Land League or National League?—I was a member of the Land League before this outrage.

13,192. Did you know whether, so far as the Land League were concerned, they had expressed any dissatisfaction with the reduction of 30 per cent.?—Well, I cannot say, because I did not get at the meetings afterwards. Having protection I did not like to. I thought better to keep from them.

20 Nov. 1888.]

DANIEL DOWLING.

[Continued.]

13,193. I am speaking now of the time when this outrage took place. Were you aware that at that time the Land League had taken any part or had expressed any dissatisfaction with the reduction of 30 per cent.?—Well, really I cannot bring it to memory.

13,194. You said you were yourself a member of the Land League. Is it the case that at that time your neighbours all round were mostly members of the Land League?—Well, likely they were.

13,195. Were most of the respectable people in your neighbourhood members of the Land League?—Yes.

Cross-examined by Mr. DAVITT.

13,196. You are a maimed man, I believe?—Yes.

13,197. Did you get a fortune with your wife?—My father received it.

13,198. It was a good substantial sum, I believe?—It was a fair sum.

13,199. Was not it that that enabled you to pay the rent before you got the reduction?—Well, I had nothing to say or do to that. That went to my father.

13,200. Did the father pay rent for you?—Well, he did.

13,201. Was not the rent paid out of this money, or some of it?—I left him the management of the place for some time.

13,202. You knew Leaguers in your locality—you knew some of your neighbours to be members of the League?—Yes.

13,203. Did any of those Leaguers give you any annoyance?—No.

13,204. None?—No.

Re-examined by Sir HENRY JAMES.

13,205. You were shot in March 1882, I think, were not you?—Yes.

13,206. How long before that was it that you joined the Land League?—Well, really I could not exactly tell you; but I was a member of the League before I was fired at.

13,207. That I know. But about how long had you been a member of the League when you were fired at?—I suppose about 12 months; it may be more or less.

13,208. Had you attended any of the meetings?—I attended the meetings before that.

13,209. Before what?—Before the time the outrage was committed?

13,210. Of course, because you became a member a year before, [but how many meetings did you attend between March 1881 and the time you were shot in 1882?—I could not exactly say.

13,211. About how many?—Well, say about a dozen.

13,212. How long before March 1882 was it when you last attended a meeting, how long before your being shot?—I could not bring to memory the time.

13,213. About how long, a week or a month or how long?—It may be within a month.

13,214. Had this question of the tenants paying rent been discussed at the Land League meetings?—I did not hear that it was.

13,215. Never mentioned?—Yes.

13,216. Was it or was it not?—I did not hear, at all events.

13,217. Was it or was it not mentioned?—I could not exactly say.

13,218. Why not?—Because the time I was there I did not hear any mention, but it could be mentioned afterwards, I used not to attend always regularly.

13,219. What did you discuss at the Land League?—I used not to take any prominent part.

13,220. What did you hear discussed then?—I could not bring to memory.

13,221. Oh, try a little. What did you hear discussed?—Well, really I cannot say.

13,222. Cannot you give us any idea. Was it about the state of the weather?—Likely not.

13,223. What was it you discussed?—Really I cannot say.

13,224. Let me put this. My friend has put it to you. Nearly all your neighbours, the tenants, were Land Leaguers?—I think they were.

13,225. Were all the tenants complaining of their rents being too high?—They were complaining.

20 Nov. 1888.]

DANIEL DOWLING.

[Continued.]

13,226. Then did not they talk about it when they were in the Land League?—It could have been mentioned unknown to me.

13,227. I want to know what was mentioned when you were there?—There was nothing in relation to the rent paying.

13,228. Nothing?—Nothing that I am aware of.

13,229. What was it you did discuss?—I cannot bring to memory what was going on.

13,230. Cannot you tell their Lordships one subject you ever discussed at the 12 meetings you were at?—[No answer.]

13,231. Not one?—[No answer.]

13,232. Cannot you tell us one subject?—Well, really I cannot, because I could not remember at this time.

13,233. You had received 30 per cent. deduction or abatement before you were fired at?—Yes, it was given temporary.

13,234. Did you let the Land League know that fact?—I did not myself.

13,235. Did you cause anyone to tell them of it?—No.

13,236. As far as you know, the Land League would not have known it?—They may have known it from the rest of the tenants.

13,237. Did the rest of the tenants get the abatement too?—They did; they got the same abatement.

13,238. The 30 per cent.; did you get any assistance in finding out who it was that shot you?—No, I had no idea.

(Sir H. James.) There is one question which does not arise, and I must ask permission. My friend says he forgot to put it.

13,239. Did you receive a threatening letter at any time?—I received a threatening letter some time after being fired at.

13,240. How long after, about?—I should say the head constable here would tell you the date.

13,241. Did you give that letter to him?—I handed it to the authorities.

13,242. Who was the authority?—Head Constable Huggins.

13,243. (Mr. R. T. Reid.) What was the date of that?—I could not say.

Head Constable HUGGINS recalled; further examined by Mr. MURPHY.

13,244. Do you remember going to Mr. Dowling, on March the 6th, or 7th of March?—The 6th of March.

13,245. Did he inform you about this outrage?—I saw the wound on his thigh.

13,246. Did he at any time give you a threatening letter he received?—He did.

13,247. How soon was that after the outrage?—The 22nd of October after—October 1883. The outrage was in March 1882 and the threatening letter was in October 1883.

13,248. Have you searched everywhere for that letter?—Yes, I left the letter after me in Castleisland when I left.

13,249. And you went back since and searched for it?—I could not see that it was there.

13,250. What was the substance of it?—It threatened him with the same fate if he paid his rent.

13,251. The same fate as what?—The same fate as he got before.

13,252. Did he ask for protection or not?—He did ask for protection, and he became awfully nervous after the time he was shot. He would not stop in the house without police, he said.

Cross-examined by Mr. REID.

13,253. You say you got the original of this threatening letter?—Yes.

13,254. Have you no idea what has happened to it?—I have not. I left all those records after me when I left Castleisland; I do not know what became of them.

13,255. Where did you leave them?—In Castleisland in the office.

13,256. They ought to be in the office there still?—That I cannot say.

13,257. These things are recorded and kept, are they not?—Yes.

13,258. Are you aware whether any attempt has been made to find these documents?—Well, I telegraphed for them and did all I could.

13,259. What reply did you get?—I did all I could to get them. I did not get any reply. The district inspector there got a reply I believe. He told me he did.

20 Nov. 1888.]

HEAD CONSTABLE HUGGINS.

[Continued.]

- 13,260. (*Sir H. James.*) What is his name?—District Inspector Rice.
 13,261. (*Mr. Reid.*) What did he report to you as his reply?—I did not see his reply.
 13,262. What did you hear it was?—The same letters he said had been sent on by registered letter.
 13,263. To whom?—To District Inspector Rice.
 13,264. Have you inquired?—I believe he never got the letter at all.
 13,265. It was a registered letter. Surely you might make some further search about these documents?—It is alleged that the letter was posted on the 13th and it has not arrived up to this here.
 (*Mr. Reid.*) I should like to see the original, if possible.
 (*Mr. Murphy.*) We will get it.
 13,266. (*Mr. Reid.*) You say the outrage upon Dowling was the 2nd March?—The 6th March 1882.
 13,267. And when was the threatening letter?—The 22nd October 1883.
 13,268. Where do you get those dates from? I see you have a piece of paper?—I have a list of all the outrages committed in the Castleisland district during the time I was there. I got it from the outrage book.
 13,269. You made the entry, I suppose, yourself, with regard to this threatening letter of October 1883?—No, I did not. It was made by the district inspector's clerk.
 13,270. However, that is what you take the date from?—Yes.

Cross-examined by Mr. ASQUITH.

- 13,271. Who was your successor at Castleisland?—Mr. Davis was the district inspector there.
 13,272. What were you?—I was head constable then.
 13,273. To whom did you hand over these papers?—I left them in the office. I did not hand them over to anyone.
 13,274. Where were they?—They were in a large envelope on a shelf in the office.
 13,275. To whom would they naturally go after you left?—I dare say the head constable in charge.
 13,276. Who was he?—Head Constable Reddington.
 13,277. He was the person who succeeded you?—Yes.
 13,278. You have never seen them since?—I have never seen them since.

WILLIAM PRINDERVILLE sworn; examined by Mr. MURPHY.

- (*Mr. Murphy.*) This is another of the Blennerhassett tenants fired at the same time.
 13,279. Are you also a tenant of Mr. Blennerhassett's?—I am.
 13,280. Where do you live. What is the exact place?—Kilenshman.
 13,281. Do you remember the 6th March 1882, your house being visited by a number of men?—I do.
 13,282. About how many of them came there?—I would swear it was nearer 200 than 80 round about.
 13,283. What did they do when they came in?—They broke in the kitchen door.
 13,284. And after that?—And from that in my bedroom.
 13,285. What then?—They ordered me out of bed.
 13,286. What did they say then?—From that to the kitchen.
 13,287. What did they say to you—why they came there?—They asked me why did I pay a rackrent.
 13,288. What did you say?—I said I had a young family, and if I did not pay it that I would be evicted and thrown out.
 13,289. What did they say or do to you then?—They took me out in the yard then.
 13,290. When they got you in the yard, what did they do?—They put me on my knees.
 13,291. What then?—They were parading then around me.
 13,292. After that, were you allowed to go back to your room?—I was.
 13,293. Were they masked or their faces covering with anything, or what state were they in?—To the best of my belief, two of them were.
 13,294. Two of them were masked?—Yes.
 13,295. Had they guns?—The guns I saw by them.

20 Nov. 1888.]

HEAD CONSTABLE HUGGINS.

[Continued.]

13,296. Was your brother living with you at this time?—He was, and is still.

13,297. Was anything done to him?—He got a cut in the head.

Cross-examined by Mr. REID.

13,298. Are you a member, or were you then a member of the Land League?—I am, since its infancy.

13,299. And you are still?—I would still if it were existing,

13,300. Well, it is not existing now. Was Father Arthur Murphy a member of the Land League?—He was.

13,301. And Father Macgillicuddy?—Yes.

13,302. Have you been at meetings of the Land League?—At different ones.

13,303. Have you heard those two reverend gentlemen denounce outrage at meetings?—Always.

13,304. You had this outrage perpetrated against you on the 6th of March 1882. Do you believe that the Land League had anything whatever to do with it?—I swear on my oath to the best of belief they never had.

13,305. In your neighbourhood are most of the neighbours members of the Land League or were they members of the Land League?—They were.

13,306. Were most of the respectable people in the neighbourhood members of that League?—They were.

Re-examined by Sir H. JAMES.

13,307. You say you belonged to the Land League from its infancy?—I do.

13,308. When was it born? When did it come into existence?—I think the year 1881.

13,309. How long did its infancy continue? How long did it continue?—That was the infancy of it with me.

13,310. 1881?—1881.

13,311. How long did it go on? Did it grow up into a boy?—It did in our neighbourhood until it was expelled—suppressed I should have said.

13,312. How long was it before it was suppressed?—I think it was over a twelve-month to the best of my belief.

13,313. Did you know all the people of the Land League?—I did in my own vicinity, I knew a good deal of them.

13,314. Did you attend the meetings?—I did.

13,315. Had you any idea who the men were who came and walked round the place, and put you on your knees. Do you know who they were?—Never.

13,316. Had they anything over their faces?—To the best of my belief, there was over two of them.

(Mr. Lockwood.) How does this arise out of the cross-examination?

(Sir H. James.) Because of the Land League having something to do with it.

(Mr. Reid.) That does not introduce masks.

(Sir H. James.) I have tested what knowledge he had, who were the people who did it. It certainly had something to do with it.

(Mr. Lockwood.) How can that have anything to do with it?

13,317. (Sir H. James.) Had the men anything over their faces?—I think two of them had.

13,318. Do you know who they were?—I did not.

13,319. You did not know where they came from, nor who they were?—Indeed I did not any more than the man in the moon.

13,320. Is that the reason why you say the Land League had nothing to do with it?—To the best of my belief.

13,321. You have no belief as to who these people were?—No.

13,322. Not to any one of them?—Not to one single one of them.

13,323. Not the slightest belief?—Not the slightest belief.

Miss LIZZIE CURTIN sworn; examined by Sir H. JAMES.

13,324. Are you now the postmistress at Wicklow?—Yes.

13,325. In the autumn of 1885 where were you living?—At Castle Farm, in the county of Kerry.

13,326. With whom were you living at that time?—My father and mother.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

- 13,327. And were there other members of the family?—Yes, brothers and sisters.
- 13,328. How many of you were there at home?—Two brothers, another sister, and myself.
- 13,329. Who was your father's landlord?—The Earl of Kenmare.
- 13,330. Do you recollect your father and mother going to Lord Kenmare asking for an abatement of rent?—My father went with them; he did not ask himself.
- 13,331. Do you mean he asked for others or himself?—He was asked to go as spokesman for them, and he went.
- 13,332. Do you know whether that application was successful or not?—I do not know.
- 13,333. Do you recollect the night of the sad occurrence of the 13th November 1885?—Yes.
- 13,334. Before that time had your father paid his rent?—Yes.
- 13,335. And I believe he paid it without any abatement?—I think so.
- 13,336. On the night of the 13th of November were you in the parlour with your father and mother?—I was.
- 13,337. Did the servant come in to you and say something (you need not tell me what) about moonlighters?—Yes.
- 13,338. I believe you had no firearms downstairs where the parlour was?—No.
- 13,339. And did you go upstairs to get them?—I did.
- 13,340. Did your father follow you?—He did.
- 13,341. And did he take a gun and a revolver from you which you gave him?—Yes.
- 13,342. Did he then leave you and go as far as the foot of the stairs?—Yes, he did.
- 13,343. Were you remaining upstairs?—I was on the stairs.
- 13,344. Did you hear your father say anything?—Yes.
- 13,345. What did he say?—He said, "Well, now, boys."
- 13,346. Did you after that hear some shots fired?—Yes, there was a volley of shots, and the bullets whizzed past my head as I stood on the stairs.
- 13,347. Did you hear more shots than one. Did you hear several?—Yes, several.
- 13,348. Then I believe the lamp on the stairs went out and it was dark?—Yes.
- 13,349. I believe the next thing that happened was your sister, Miss Norah Curtin, came upstairs?—Yes.
- 13,350. I believe one of your brothers was named Daniel?—Yes.
- 13,351. And did your sister come upstairs and say to you that your brother Daniel was shot?—Yes, she rushed upstairs and said so.
- 13,352. Did you then go downstairs?—Yes, I went down to the parlour door where he had been shut in.
- 13,353. That was your brother Daniel?—Yes.
- 13,354. Did you see any men about at this time?—No, there was no one there as I ran through the hall.
- 13,355. Do you know where the men had gone to or where they were?—No.
- 13,356. Was the door open or fastened where your brother Daniel was?—It was not fastened at first.
- 13,357. Were you able to get in?—Yes, I just pushed it in a little first.
- 13,358. Then did your brother George and your sister Norah come downstairs?—In the meantime the door was fastened on me and they came then.
- 13,359. Was it fastened from the inside?—It was fastened from the inside, yes.
- 13,360. When your brother and sister came down was the door pushed open?—Yes, we pushed it open then.
- 13,361. When you got inside the room what did you see?—I saw my brother and some men. He was caught by some men in the room.
- 13,362. Was he standing up?—Yes.
- 13,363. Do I gather from you he was struggling with the men?—Yes, he was struggling with them.
- 13,364. What room was this?—In the parlour in which we had been at first.
- 13,365. The parlour in which your father and mother had been at first?—Yes.
- 13,366. Did you take hold of a gun that was between your brother and one of the men?—Yes.
- 13,367. Did your sister, Miss Norah Curtin, do anything?—Yes, she put her hand on the man's head and pulled something off his face.
- 13,368. Then did she say anything to your brother?—Yes, she said, "Dan, do you know him?"

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

13,369. Was there any reply to that?—No, not that I remember.

13,370. What took place then, did the struggle go on?—The struggle continued until we got into the hall.

13,371. How many men were there in this room with your brother?—There were three.

13,372. Did the struggle bring you into the hall?—Yes.

13,373. Out of the room?—Yes.

13,374. I believe you kept a firm hold of the gun?—Yes, I kept the gun.

13,375. In the result was your brother overpowered?—No, my brother overpowered the man he was struggling with.

13,376. Yes, at first on the ground?—Yes.

13,377. Did you hear anything said? Did the man say anything to your brother?—Yes, I heard him say, "Mr. Dan."

13,378. And I believe you did not hear what else he said?—No, I did not hear anything else.

13,379. What became of the gun? Did you keep hold of it, or what did you do with it?—I kept hold of it until I got it from between the man and my brother. Then I gave it up to the sergeant afterwards, when he came. I put it into the parlour and hid it until the sergeant came, and I gave it to him.

13,380. Did you go upstairs into your father's bedroom?—Yes.

13,381. I believe in going up you stumbled over a second gun, which you took upstairs?—Yes.

13,382. When you came into your father's bedroom, I believe you found him there?—Yes.

13,383. Was he wounded?—Yes.

13,384. A shot wound; a gun wound?—Yes.

13,385. Where?—In the abdomen.

13,386. Did you go downstairs?—Yes.

13,387. And ask the servants to go for the priest and for the police?—Yes.

13,388. Had they interfered up to this time?—No.

13,389. Were they men-servants?—Four of them.

13,390. Where were they?—In the kitchen.

13,391. In the same house?—Yes.

13,392. What did you ask these servants to do?—I asked them to go for the priest and the doctor, and I asked them to go for the police. They went for the priest and the doctor, but would not go for the police.

13,393. Did you ask them more than once to go for the police?—I did.

13,394. Did they absolutely refuse?—Yes.

13,395. I believe in the hall when you were there you found a man named Timothy Sullivan died with the shot?—Yes.

13,396. I may say it is a fact that evening your father died, three hours afterwards?—Yes.

13,397. Did the funeral take place the next Sunday?—Yes.

13,398. Had you and your family been in the habit of attending chapel?—Yes.

13,399. Did any one of the neighbours attend the funeral?—Some.

13,400. But only a few?—Yes.

13,401. Is it the custom of neighbours in your county to attend the funeral?—Yes.

13,402. How many should you say attended?—I could not say exactly, I could not remember.

13,403. You say there were only a few attended?—In comparison to what is general.

13,404. Did your friends come from a distance and attend?—Yes.

13,405. Did any of the neighbouring farmers attend?—A few.

13,406. You say not so many as usual?—No.

13,407. On the Sunday I think you were in the sacristy of the chapel?—Yes.

13,408. Did Father Murphy, the clergyman, the parish priest, mention the fact of the murder?—Yes.

13,409. What occurred in the chapel when he did do?—There was some uproar in the chapel; I could not say what it was, either people moving or making a noise with their feet.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

- 13,410. Did any leave the chapel?—I could not say, I was in the sacristy.
- 13,411. You were in the sacristy and did not see?—No.
- 13,412. In leaving the chapel and going home, was there any booing in your presence?—Not that day.
- 13,413. Did your workmen attend the funeral?—I should think they did, most of them.
- 13,414. People who had worked for your father, did they come, or did any of them stop away?—I did not remark it.
- 13,415. Now, how long did you remain at the place where you had been living with your father and mother?—Is it last September twelve months I left it?
- 13,416. That would be September 1887?—Yes.
- 13,417. Did you continue living in the same house?—Yes.
- 13,418. First tell me before this murder happened where did you get your supplies of food from?—Any food and groceries we got them from Cork.
- 13,419. Always?—Yes; always.
- 13,420. Did you get any supplies from the neighbourhood?—Yes; small things generally.
- 13,421. Were you able to get your supplies in the same way after the murder?—Well, no.
- 13,422. What was the difference; what supplies were you unable to get as before?—We would not get eggs or butter, or anything we wanted ourselves.
- 13,423. Were those from shops in the neighbourhood, or from farmers?—The farms or the egg shops in the village.
- 13,424. When you say you could not get them, do you mean they refused to supply you with them?—Yes.
- 13,425. Where did you get these necessities from?—We often got them by others going for them, and pretending that they were for themselves.
- 13,426. By others going for them, and pretending they were for themselves. I will not ask you to mention their names, but what class of people?—The family of the few neighbours and workmen who stayed with us.
- 13,427. The families of the few neighbours and workmen?—Who stayed with us.
- 13,428. What do you mean by staying?—Remaining to work.
- 13,429. That is the labourers who remained to work?—Yes.
- 13,430. When you said, "the few who stayed," am I right in saying that some went away and did not continue to work?—Yes.
- 13,431. Did they give any reason?—I do not know that they gave any reason; some of them gave no reason; others gave reasons that they were afraid.
- 13,432. You say a few stayed with you. They would pretend they wanted the goods for themselves?—Yes.
- 13,433. Now before this time where had your father's horses been shod?—At the blacksmith's shop in the village.
- 13,434. What is the name of the village, will you tell me again?—Molahiffe.
- 13,435. After your father's death and while you remained there, where did you send your horses to be shod?—To Tralee or Killarney.
- 13,436. How far is Tralee or Killarney away?—Nine or 10 miles.
- 13,437. Why did you send the horses to be shod there instead of in the village?—The blacksmith refused to shoe them.
- 13,438. At any time had you to get the constabulary farrier to shoe the horses?—Yes.
- 13,439. Was that for the same reason that the blacksmith would not shoe them?—Yes.
- 13,440. When you have been on the road in this village have you been shouted at and hooted at?—Yes.
- 13,441. Has that been when you were alone, or with other members of your family?—Either alone, or with other members.
- 13,442. Both?—Yes.
- 13,443. Were you ever hooted at in Killarney?—Yes.
- 13,444. And there is a place called Milltown that I have here, and Killarton?—Yes.
- 13,445. Are these places near to your house?—On the road we went to Milltown.
- 13,446. On the road as you went to both of these places, as I understand?—Yes.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

13,447. What occurred to you going on the road to these places?—We were hooted and booed at and called murderers and informers, and all sorts of things as we drove along, and at one time they placed stones on the road to upset the car, and stood by the side of the road in a field away to watch us, to see us pass them, and kept hooting and shouting the whole time.

13,448. Who would do that?—The people of the place, I do not know who.

13,449. Have you heard ballads sung about you?—I have not heard them sung, I saw them though.

13,450. You say you saw them printed up?—Yes.

13,451. Did these ballads refer to you and your family?—Yes.

13,452. How many people do you think were looking at the time these stones were placed in the road?—There were some seven or eight in that patch, at all events in that part of the road.

13,453. After the murder, did you continue your practice of attending the chapel?—Yes.

13,454. Where did you generally sit when you went to the chapel?—In a pew right to the top of the chapel.

13,455. Did you continue to occupy that pew in the same place?—No, we had only gone two Sundays, I think, after the trial, when they broke the pew.

13,456. Why was that?—I suppose not to let us in the chapel.

13,457. You say they broke the pew?—They broke the pew.

13,458. What did you do, then, after the pew was broken?—We went into the chapel, the chapel was then closed for six weeks, and we had no pew.

13,459. Excuse me for one moment, was the chapel closed by order of the bishop?—Yes.

13,460. For how long?—For six weeks.

13,461. There was no reason that you know of except this occurrence about your family and this pew?—No.

13,462. I think you just said to me for two occasions you did sit in your pew?—Yes, for two Sundays.

13,463. On going to or coming from chapel how were you treated?—Always at chapel we were hooted and booed at, and generally a rush made at the gate when we would be leaving the chapel, and outside it we were hooted and booed at.

13,464. When you say hooted and booed at, have you yourself had epithets applied to you, and been called offensive names?—Yes.

13,465. What have you been called?—I was called a murderer.

13,466. You say this pew was broken; was a new pew attempted to be put in its place?—Yes.

13,467. What happened to that?—They beat the carrier and broke the pew at the chapel gate as he arrived with it.

13,468. It was not built?—No, it was never put in.

13,469. What sort of farm did your father occupy; was it a dairy farm?—It was a dairy farm.

13,470. I do not know whether it was a large farm or a small farm; do you know about the acreage?—About 160 acres, I think.

13,471. Was your mother able to continue to carry on that farm?—No, we could get nobody to manage the dairy.

13,472. You have told us the workmen left you; could you get people to work upon it?—We had two or three; three, I think, but they were not in the place.

13,473. They were not?—They were not sufficient.

13,474. You mean you could not get sufficient persons to work for you?—No.

13,475. You have spoken of the trial; I want to get the date of it; do you recollect the date of what you call the trial, perhaps my learned friend will allow me to mention it, December 1885, was it?—Yes, about the 21st.

13,476. There were two persons, I think, convicted?—Yes.

13,477. I believe they received sentences of 14 years' penal servitude?—Yes.

13,478. Did the people's manner in any way change to you after that trial?—Yes.

13,479. In what way did it change, and to what extent?—After that we got the principal amount of hooting and booing, and then the servants all left.

13,480. It was after December 1885?—Yes.

13,481. You say the servants left?—Yes.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

13,482. And the hooting and booing occurred?—Yes.

13,483. You have spoken of the evening of the day of the occurrence in which the pew was broken; at that time had you a man of the name of Michael Sullivan?—Yes.

13,484. He was a herd on the farm?—Yes.

13,485. Did he occupy a cottage?—Yes.

13,486. Belonging to the farm?—Yes.

13,487. Did he come to the house and give up the key of that cottage to your mother?—Yes.

13,488. On that very Sunday night when the pew was broken?—Yes.

13,489. I think that man had been 32 years in your family?—Yes.

13,490. Did he give any reason why he gave up that key at the time he did?—He would be afraid to stay.

13,491. Did he leave?—Yes.

13,492. Now, was the parish priest there; that is, the Rev. Father O'Connor?—Yes.

13,493. Was he the president of the Firies branch of the Land League?—Yes.

13,494. For 12 months after your father's death, did he ever visit your mother?—Immediately after the death, but not then for 12 months.

13,495. With the exception of that?—Immediately after he did pay one visit, but not then for twelve months.

13,496. You say immediately afterwards he paid one visit?—Yes.

13,497. And after that for 12 months he never visited at all?—No, he did not.

13,498. I think it is right to ask you, the Rev. Father Murphy was the curate in the parish?—Yes.

13,499. He did say something in the chapel condemning the outrage upon your father, the murder?—He spoke of my father as being such a good man.

13,500. At any rate he spoke kindly of your father?—Yes.

13,501. Do you know how he was treated after he had spoken?—He was partially boycotted, I think.

13,502. Now do you know Mr. Alfred Webb, of 74, Abbey Street, Dublin?—Yes.

13,503. I can prove he is, but do you know him as being a member of the Land League?—I have seen his name.

13,504. He was treasurer of the Land League. After this murder of your father did he come to your house?—Yes.

13,505. Did he take a statement from you—an account of the way you had been treated and the murder?—He wrote it out himself; what he saw himself that day, and what he heard.

13,506. Did Mr. Webb afterwards show you a copy of a circular which he said was printed, and which he said he had circulated?—Yes.

13,507. Is that it (*handing circular to the witness*)?—Yes.

(*Sir Henry James.*) Do you object to that?

(*Mr. Reid.*) No.

13,508. (*Sir Henry James.*) It is a circular drawn up by Mr. Alfred Webb, of "94, Abbey Street, Dublin, 27th January 1886. Private. To some of my Nationalist friends. " My dear Sir. Can nothing be done to save Mrs. Curtin and her family from outrage. " Mr. John O'Connor, M.P. (South Tip), is their friend, and can explain the facts of " the case if you do not already know them. I spent last Sunday with the family. I " never will forget my experiences. Were I now to relate them they might be used " as arguments for coercion. I can, however, see no impropriety in laying them before " the League next Tuesday. Meanwhile, I am prepared, if absolutely desirable, to go " to London and talk the matter over. It is the duty of all Nationalists openly, " unequivocally, and effectually, to stand by the family. There is ample time before " next Sunday to do something. What makes me more determined not to keep " silence is the shameful and horrible calumnies afloat in Dublin concerning the " Curtin family." You do not know how far that was circulated amongst the Land League in the neighbourhood?—No.

13,509. Was there the slightest difference in the way you were treated after that circular was sent?—No.

13,510. The same booing, the same hooting, the same boycotting after that?—Yes.

13,511. Which was the nearest Land League?—Firies.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

13,512. Which was the weakest?—Firies, about a mile away.

13,513. Were there others in the neighbourhood too?—I think so.

13,514. Did you know that either the branch league or the central league was taking any steps to prevent this treatment?—No.

13,515. I cannot give you the exact date; I do not know whether you can; do you recollect the fact being known that Mr. Michael Davitt came down into the neighbourhood?—Yes.

13,516. A man who was shot lived in the village?—In the village.

13,517. Did he live with his father, Timothy Sullivan, who was shot?—His father was dead, I think; he lived with his mother in the village.

13,518. Give me the names of the two men who were tried; Timothy Sullivan was shot. Give me the names of the two men who were tried and had penalservitude for 14 years?—Timothy Casey and Daley; I do not know his Christian name.

13,519. Mrs. Sullivan, I think, you told me, the mother of the dead man, lived in the neighbourhood; did Mrs. Casey also live there?—Yes.

13,520. Do you know whether Mr. Davitt went and saw Mrs. Casey or Mrs. Sullivan?—I do not know. I was told.

13,521. I want to ask you. If you say you were told, did he come near your mother and see her?—No.

13,522. When did you finally leave your father's house, where your father had been living?—I left it.

13,523. Did all the family leave together, or did you leave first?—No. I left first. I left by myself after September 12 months.

13,524. September 1887?—Yes.

13,525. Did you get an appointment in the Post Office?—Yes.

13,526. How long did your family continue there?—Till last April.

13,527. Have they all left now?—Yes.

13,528. They have given up?—Yes.

13,529. As far as you know, did this system of the treatment of your family continue till they all left?—Yes.

13,530. I want to go back, please, a little earlier in date. Do you recollect some time before this a party of men coming to your father's house. I will try and get the date. Do you recollect them coming in the night time?—Yes, some time about the year 1881, I think.

13,531. Did you hear what took place?—Yes.

13,532. What was it they said or did.

13,533. (*Mr. Reid.*) May I ask, did you hear it yourself?—Yes.

13,534. (*Sir Henry James.*) In the first place, about how many men came?—Well, I could not see; they were outside.

13,535. Could you hear the voices of more than one person speaking?—Yes.

13,536. What did they say?—My father spoke to them from his bedroom window, and asked them what they wanted, and they said they wanted his firearms.

13,537. And then?—He told them he would not give them to them. They said they wanted to get in. He said he would not let them in. They made a rush to the hall door. He told them the first man that came into his house he would shoot him.

13,538. Was there anything said about rent?—Yes.

13,539. What was that?—They asked him, had he paid his rent, and he said yes; and they asked him was he a Land Leaguer, and he said no.

13,540. Was anything said about Griffith's valuation?—They asked him did he pay Griffith's valuation; that is when they asked him about had he paid the rent, and he said yes.

13,541. Then they asked him did he pay Griffith's valuation?—Yes, and he said no.

12,542. Then they asked him if he was a Land Leaguer?—And he said no.

13,543. What did they say when he said that?—They asked him what he was, and he said he was an Irishman.

13,544. Then it was after this conversation that they made a rush at the door?—Yes.

13,545. You said they made for the hall door. Was it then?—Well, I would not be positive, but it was some time during the conversation.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

13,546. I believe your mother interfered, and a rusty old gun was given to them?—Yes.

13,547. I believe they then went away?—Yes.

13,548. Taking that with them?—Yes.

13,549. Your mother left in April. Do you know anything about the circumstances about the farm being put up to auction?—It was put up for auction first in February 1887.

13,550. Before you left?—Before I left.

13,551. Was there any bidders for it at all?—No.

13,552. It was afterwards purchased, I believe, for about one-fourth of its value?—Yes.

13,553. Who was it purchased it?—A man in the neighbourhood.

13,554. About a fourth of the value, I believe, was the highest bid?—Yes.

(*The President.*) I suppose you would take some time to cross-examine this lady; would you wish to cross-examine her now, or not.

(*Mr. R. T. Reid.*) It would take some 20 minutes at all events, my Lord. May I, before your Lordship rises, by the assent of Sir Charles Russell, make a suggestion. Perhaps my learned friend may be able to accede to it, and that is, that while there may be cases of outrage which they desire to enter into detail, that they should give in general a list of outrages, in regard to these counties, without proving all the facts or omitting any material facts; for this reason, the county of Galway has occupied, I think, something like three weeks, and there were five counties to which my learned friend adverted in his opening. Besides that there are some other outrages, and other cases, and there is evidence of a different kind to his given. I am appalled to think how long this inquiry will last, as the county of Galway has taken three weeks to be treated in the manner it has, if the other counties are to be treated in like manner, and gone into at the same length; and what I would respectfully submit to your Lordships is this, that the members who are charged are entitled to some consideration in regard to this, that this inquiry is one which would ruin anybody if it is to be continued in proportion to the duration which it has already taken. That involves some concession, and I am willing to concede on the part of those whom I represent, and my learned friends who are with me are willing to do what is reasonable, and I submit to your Lordship, while the other side may desire to give evidence of some outrages in detail, and if they think proper to supplement the bare fact of the outrage by further evidence, either to connect it with the Land League, or the parties incriminated, I submit respectfully to your Lordship, that if the proof is to proceed in the manner in which it has commenced, this inquiry will practically be interminable as well as ruinous.

(*Mr. Lockwood.*) I might mention as illustration of that——

(*Sir Henry James.*) I accept that suggestion, my Lord, in the spirit in which it is made, and say at once there is no one more desirous to limit this inquiry in point of time and expenditure than my friend and myself. We will bear in mind what my friend has said, but we must prove outrages to some extent; we will take my friend's suggestion where we can and when we can, take matters without going into detail, we will do so if we can.

(*The President.*) It has been the subject of most anxious consideration on my part and no doubt on part of my colleagues, and I do hope there will be an earnest effort made to shorten the inquiry as much as possible. I should have thought myself that now when we have had an outline, as it were, a type and example of the case as to two counties, that it would have been possible to avoid going into other counties in such detail, and that we then might proceed to the other branches of the case. I hope that will be taken into account.

(*Sir Henry James.*) I need not say that anything which falls from your Lordship will be considered, and I say at once that it shall be, my Lord. You see practically the difficulty is this. Outrage is not a mere fact done. It must be traced to some motive or cause, and unless we enter into some detail it is very difficult to make clear that the cause of the outrage—and I wish to insist on this—was due to the Land League, and that it was that for which the Land League came into existence. And therefore, very often each case will have to be spoken to in order to show the cause of the outrage. But we will bear in mind, I would assure your Lordships, what you have said; for no one can desire more than we do to save your Lordships the expenditure of time, and also to save the very material expenditure of money.

20 Nov. 1888.]

MISS LIZZIE CURTIN.

[Continued.]

(*Mr. Reid.*) As far as any evidence tending to connect the outrage with the Land League, or with any of the persons charged, I have not, and I will not ask for any abbreviation whatever; but what I would ask for is an abbreviation in the piling up of what I may call the agonizing details which can have no relevancy whatever upon the matters before your Lordships.

(*Sir Henry James.*) I wish my friend would not use such language which causes me to reply, but which however I will not do on this occasion. I do not like him using language about "agonizing details." What we want at least is that the facts of each case shall be detailed to your Lordships.

Adjourned to to-morrow at 10.30.

“*Uncorrected Proof.*”

Mr Davitt

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT No. 1,

Wednesday, 21st November 1888.

(*Mr. Reid.*) My Lords, in reference to the matter which was brought before your Lordships yesterday morning, in regard to which I asked for an adjournment until to-day, I have to state to your Lordships that I have communicated my views on the subject to Mr. Harrington, and that Mr. Harrington has not thought fit to adopt my views, and under those circumstances I am not in a position to say anything to your Lordships.

(*The President.*) In that case I must ask Mr. Harrington if he has anything to say.

(*Mr. Edward Harrington.*) I have nothing to say, my Lords, but that I accept the responsibility of what appears in my paper.

(*The President.*) We will retire to consider.

(*The Judges retired for a short time.*)

(*The President.*) It is my painful duty to announce the conclusion to which we have arrived. Certainly we had hoped that as Mr. Harrington's interests were confided to Mr. Reid, whose position at the Bar assured us that the best possible advice would be given to him, that we should have been spared the duty which now falls upon me; but as Mr. Harrington has not acted upon the advice which he has received from his counsel, but simply takes up the position of assuming the responsibility of the article which has been called to our notice, we must proceed to deal with it.

It would be wasting words to point out how serious is the contempt of Court which has been committed. It assumes the form which would have induced us, if we could have seen our way to doing it consistently with the duties which belong to the office which has been imposed upon us, to pass it over, because the contempt consists in personal insults addressed to the members of the Court; but it is necessary that the authority of the Court should be maintained, and one cannot but see that if attacks of this kind were allowed to go on it would tend to shake the authority of the Court in the eyes of the public generally, and especially in the eyes of those whom we may have to call before us.

We must, therefore, mark our sense of the serious character of the contempt which has been committed by imposing a punishment upon Mr. Harrington.

This subject has been on several occasions before the courts of law, and I have before me the case of *Onslow v. Whalley*, in which the Court of Queen's Bench had to deal with a matter of this kind. We would propose to follow that precedent, and we therefore pass this sentence, that for the contempt for which Mr. Harrington has been guilty, he be adjudged to pay a fine of 500*l.* to the Queen.

Miss LIZZIE CURTIN recalled, cross-examined by Sir C. RUSSELL.

13,555. Miss Curtin, your father was a considerable farmer?—Yes.

13,556. And greatly respected in the neighbourhood?—I think so.

13,557. Was he one of the vice-presidents of the Firies branch of the National League?—Not that I know of.

13,558. Do you not know that he was a member of that League?—No; I know he subscribed to it.

13,559. Do you not know that he was one of the vice-presidents of the National League?—No.

13,560. He subscribed to it, you say?—Yes.

13,561. And attended its meetings?—No, he was never in the League rooms.

21 Nov. 1888.]

LIZZIE CURTIN.

[Continued.]

13,562. You recollect, do you not, when it was considered necessary to make a representation of the Kenmare tenantry to Lord Kenmare in reference to a rent abatement?—Yes.

13,563. Do you or do you not know that that was arranged?—I do not.

13,564. Kindly listen for a moment. Do you know whether that was or was not arranged by the local National League?—I do not know.

13,565. You know he was asked to be the spokesman?—Yes.

13,566. And that he did act that part?—Yes.

13,567. You can also tell us, probably, he had a lease of this farm, had he not?—Yes.

13,568. And a beneficial lease on low terms?—I do not know whether it was considered low or not.

13,569. I mean compared with other lands in his neighbourhood, low?—Up to that time he did not ask a reduction, I know.

13,570. Do you not know that because he was the owner of the beneficial lease that he was exempted from joining with the rest in pressing for the abatement which the others were demanding?—I do not know.

13,571. Did you never hear him discuss it at all?—No.

13,572. There were two visits paid by these moonlighters, or whoever they were, to your father's house?—Yes.

13,573. The first of those was somewhere about April 1885?—No.

13,574. When was it?—In 1881, I think.

13,575. I did not hear your evidence yesterday; when do you say it was?—In 1881, I think.

13,576. How many came to the house on that occasion?—I could not say exactly, they were outside the house, the night was dark, and I could not see them.

13,577. You could not tell whether they were few or many?—No.

13,578. But as I understand on that occasion they asked for arms?—Yes.

13,579. Your father was inclined to refuse, and your mother intervened?—Yes.

13,580. And gave them some old gun, I think you said?—Yes.

13,581. Then they went away?—Yes.

13,582. Nothing took place on that occasion except the demand for arms?—Yes, they asked him had he paid his rent.

13,583. In 1881?—Yes.

13,584. Was it on that occasion that the servant reported?—No.

13,585. It was on the second occasion that the servant told you that there were the moonlighters outside?—Yes.

13,586. The second occasion was the 13th November, was it not?—Yes.

13,587. 1885?—Yes.

13,588. Could you say how many there were on this occasion?—No.

13,589. The servant reported that there were a party of moonlighters outside?—Yes.

13,590. Your father then went to the door?—No, he went upstairs for his arms.

13,591. He went upstairs for his gun?—Went upstairs for his firearms.

13,592. And then came down to the door?—To the foot of the stairs.

13,593. Where was the man who was shot by your father, where was he at the time he was shot?—When he was found dead he was in the hall, I do not know where he was before.

13,594. In the hall of the — ?—In the hall of the house.

13,595. And your father had fired a shot which killed him?—I do not know.

13,596. From the stairs?—Nobody knew who shot him.

13,597. Was there more than one shot fired at this time when Sullivan fell?—I could not say, there was a volley of shots fired and I do not know who fired them, father only fired the one shot.

13,598. Was not that the first shot?—Yes.

13,599. And then your father, having fired the first shot, there was, as you say, a volley of shots?—Yes.

13,600. What time did Sullivan die?—He was dead when I saw him.

13,601. He was killed almost instantaneously?—I do not know.

13,602. What age was Sullivan?—I do not know.

21 Nov. 1888.]

LIZZIE CURTIN.

[Continued.]

13,603. I mean was he a young man?—Yes.

13,604. The son of a farmer?—Yes.

13,605. The two other men who were sentenced to penal servitude, there were two?—Yes.

13,606. They were Daley and Casey, I think?—Yes.

13,607. Could you tell me whether one of them, Daley, was about 25 years of age, and Casey about 22?—I do not know.

13,608. At all events, were they young men?—Yes.

13,609. One of them was the son of a widow, I think?—No.

13,610. It was Sullivan, I am mistaken there; were they the sons of farmers, too?—Yes.

13,611. Up to this visit on the 13th November 1885, had there been any kind of complaint made against your father, or any kind of threat of any shape or kind which had been conveyed to your knowledge?—No, not to my knowledge.

13,612. Not the least?—Not to my knowledge.

13,613. Was there, so far as you know, any ground for suggesting that he was at enmity with the Land League, or the National League, or had done anything against their wishes?—No, not that I know of.

13,614. Now, you have told us of the behaviour of the people after your father's murder; are the names of Sullivan, Daley, and Casey, most common names in that neighbourhood?—Sullivan and Daley are, I know.

13,615. Sullivan and Daley are the most common names in that neighbourhood?—Yes.

13,616. Are the persons who bear these names of Sullivan and Daley largely connected with one another?—I do not know.

13,617. You probably would think they were likely to be; however, you say you do not know. Do you know Mr. Alfred Webb, whose circular has been referred to?—Yes.

13,618. Do you know what position Mr. Alfred Webb held in the National League?—No.

13,619. You did not know he was treasurer of the National League?—No.

13,620. On the occasion of the funeral, did the Member for the county attend the funeral, Mr. Sheehan, I think it is?—Yes; I heard he was there.

13,621. Did Mr. John O'Connor, the Member for an adjoining constituency in Cork, attend the funeral?—Yes.

13,622. Did Mr. Webb, I do not know that you have told us, but did Mr. Webb come down specially from Dublin and address a meeting in the chapel yard?—Yes, he came down on Sunday morning.

13,623. And addressed a meeting in the chapel yard?—Yes.

13,624. And did he denounce the outrage, and endeavour, as far as he possibly could, to remove the boycotting and the annoyance to which your family were subjected?—I think he meant to do it.

13,625. That is what I mean, of course. How soon was it after the funeral that he made that speech?—It was in February sometime.

13,626. Was it after the circular?—No, before the circular.

13,627. What?—Before the circular he was down.

13,628. The circular is dated in January. In January was it?—Well, then, it must have been January.

13,629. You might easily have made the error, but it was, you recollect, before the circular?—Yes.

13,630. Did you also know that Mr. Michael Davitt had come down for the same purpose?—I heard he was down.

13,631. You heard he was down?—Yes.

13,632. You, I presume, did not know him personally?—No.

13,633. And did you learn that he had also, as strongly as man could well do so, denounced the outrage and the annoyance that your family were being subjected to?—No.

13,634. What?—No; I heard he was in the place and no more.

13,635. You did not hear any of the particulars of what was said?—No.

13,636. At all events you knew he had come down?—Yes.

21 Nov. 1888.]

LIZZIE CURTIN.

[Continued.]

13,637. On the day of the funeral and after the funeral, I presume after the burial, did not Mr. John O'Connor, the member for an adjoining constituency, make a strong speech in denunciation of the murder?—No.

13,638. What?—No, not that I heard of.

13,639. Mr. John O'Connor?—No.

13,640. I am instructed that is so, you did not hear of that?—No.

13,641. Was not Mr. John O'Connor a friend of your family?—He had been visited two or three times.

13,642. Did he visit you afterwards?—He left the day after the funeral.

13,643. After your father's death?—Yes, he was in the house at the time.

13,644. Was it on the day of the funeral he visited, do you mean?—He came down on the Saturday and left on the Monday.

13,645. The funeral was on Sunday?—Yes.

13,646. That is what I mean. I must ask you in addition to that, we have heard of the gross conduct in reference to the pew, and of a considerable part of the congregation?—Yes.

13,647. Do not you know that Father O'Connor, the parish priest, denounced the murder, and spoke in the highest terms of your father?—I did not hear him.

13,648. Have you heard that he did so?—No.

13,649. And Father Murphy, the curate?—Father Murphy spoke.

13,650. In denunciation of the outrage, and in high terms of your father?—Yes.

13,651. Father Murphy is the curate, I think?—Yes.

13,652. It has been suggested to me that there are two chapels, and one clergyman goes to one chapel on the Sunday and the other clergyman to the other chapel?—Yes.

13,653. I am instructed that at each of these chapels denunciatory speeches were made, one by Father O'Connor and the other by Father Murphy. You would not know of one of them, but you heard the other?—I heard one, but I never heard of the other.

13,654. You heard one, that was Father Murphy's, and you say you did not hear of the other?—Yes.

13,655. I think you have already told my Lord that in order to mark his disapproval of the conduct of the people the Bishop ordered the church to be closed?—Yes.

13,656. How long was it closed?—Six weeks.

Cross-examined by Mr. DAVITT.

13,657. I will thank you to answer me one or two questions. You have said that you heard I visited the locality, and called upon the family of the Sullivans?—Yes.

13,658. Did I call upon the Sullivans and the Caseys in order to induce them to stop the boycotting of your family?—No.

13,659. You did not hear that?—No; I heard that you had been down and called on them, that is all.

13,660. Did you read the report of the Cowper Commission?—No, I never read the report.

13,661. Did you hear of any evidence given by District Inspector Davis of the fact that I had gone down to Kerry and denounced the outrage on your father?—I did not read the report; I never read it.

Re-examined by Sir H. JAMES.

13,662. The outrage on your father, as I understand, took place in October 1885?—November 1885.

13,663. Do you recollect the date of Mr. Davitt's visit to the neighbourhood?—No.

13,664. At any rate, before he came?—It was in January, I think.

13,665. January?—January or February 1886.

13,666. Before he came had you been boycotted?—Yes.

13,667. Did the boycotting change at all in degree; grow more or less, or remain stationary after Mr. Davitt had been?—I think it was worse months afterwards than it was in the beginning.

21 Nov. 1888.]

LIZZIE CURTIN.

[Continued.]

13,668. Mr. Davitt did not call upon your mother or at your house?—No.

13,669. Did you receive any expression of sympathy from Mr. Davitt, or was any communicated to you?—No.

13,670. Do not go into any detail, there is no reason that you should; but I believe Mr. O'Connor, the gentleman whose name has been mentioned, was known to mutual friends of yours?—Yes.

13,671. And he came and attended the funeral, and showed his sympathy in that way?—Yes.

13,672. Now you have been asked as to the previous visit, the earlier visit of one or two of these men; was anything said by those moonlighters with reference to your father having paid his rent?—Yes.

13,673. What was it, if you recollect, the exact words about the rent?—He was asked had he paid his rent, and he said yes; he was asked had he paid Griffith's valuation, and he said no.

13,674. Was he a Land Leaguer at that time?—No.

13,675. I think you said yesterday that they asked him if he was a Land Leaguer, and he said no?—Yes.

13,676. And remembering that, I presume he was not a Land Leaguer then?—No.

13,677. As far as you know, when did your father become a Land Leaguer?—He never joined the Land League, it was the National League.

13,678. When was it he joined the National League?—I think not more than a fortnight or three weeks before his death.

13,679. Now my learned friend has asked you about the first shot; you told us yesterday you were standing on the stairs, and the bullets passed by you; can you form any idea at all about the number of shots that were fired?—Before they fired I had looked over the bannisters and saw seven or eight guns pointed to the foot of the stairs.

13,680. Did I understand you to say you saw seven or eight guns?—Yes.

13,681. Did you see these guns before your father fired or not?—Before.

13,682. When you saw these seven or eight guns were they or were they not pointed in the direction of your father?—Yes.

13,683. They were?—Yes.

13,684. He was alone at the time?—My sister Nora was near him.

13,685. With the exception of your sister Nora; she had no gun?—No.

13,686. Did your father fire before the guns were pointed at him or not?—After they were pointed at him, as he went down the stairs.

13,687. And then he fired and you saw seven or eight guns; can you form no estimate of the number of guns that were discharged?—No.

13,688. Your brother Daniel, I believe, is in Australia?—Yes.

13,689. And your sister, who was Miss Nora Curtin, I believe, she is married, and is not able to attend?—Yes.

13,690. Father O'Connor, about whom my learned friend has asked you, was the Roman Catholic clergyman, was he not?—Yes.

(*Sir C. Russell.*) Curate, he said.

13,691. (*Sir H. James.*) I think Father O'Connor was the principal clergyman, and Father Murphy was the curate?—Yes.

13,692. Which of them was it you said was partially boycotted?—Father Murphy.

13,693. He was the one; did you hear him when you were sitting in the sacristy speak kindly of your father?—Yes.

(*Sir H. James.*) George Curtin—

(*Sir C. Russell.*) I should respectfully submit that this is an occasion in which my learned friend could give practical effect to the suggestion made last evening.

(*The President.*) I should think so.

(*Sir H. James.*) I would respectfully submit I am the best judge of that; I am going to put it very shortly indeed.

(*The President.*) As to facts other than those we have already heard.

(*Sir H. James.*) I will not go over it again.

(*The President.*) I expressed a long time ago that really one would be glad to be spared these details beyond what is necessary for the explanation of your case.

21 Nov. 1888.]

GEORGE CURTIN.

[Continued.]

GEORGE CURTIN sworn; examined by Sir H. JAMES.

13,694. Are you the brother of the last witness, Miss Lizzie Curtin?—Yes.

13,695. Did you live with your father and mother, and your sisters, 'as she has mentioned?—Yes.

13,696. Of course I do not need to remind you, you were at home on the evening of the murder?—Yes.

13,697. Do you recollect the meeting of the National League being held at the village of Firies shortly before that?—Yes.

13,698. How long before?—I think about six months.

13,699. And where were you when the men came into the house?—I was in the outer kitchen, or dairy kitchen.

13,700. I want a very few circumstances from you; did you attempt to leave the kitchen?—Yes.

13,701. Was there any gun pointed at you?—Yes.

13,702. By one man, or by more?—One man.

13,703. Did you see about how many men were armed that night in the house?—I saw five.

13,704. With guns?—Yes.

(*Sir H. James.*) My Lord, I gladly accept the suggestion that is made by your Lordship, and I do not go over the circumstances that occurred inside the house.

13,705. Now, on Sunday after the murder did you attend the chapel?—Yes.

13,706. Were you in the chapel itself or in the sacristy?—In the sacristy.

13,707. Do you recollect the officiating clergyman referring to the murder?—Yes.

13,708. When he did so, what did the people in the chapel do?—Some of them got up and walked out.

13,709. When you say some of them, were there any number, or only very few?—I think the greater number walked out.

13,710. The greater part of the congregation?—Yes.

13,711. Now, after that, did your servants stop with you?—Some of them.

13,712. In what proportion did they remain or leave you?—All the male servants left except one.

13,713. All the male servants left except one?—Yes.

13,714. Did they give any reasons for leaving at the time of leaving?—I think not, I do not remember if they did.

13,715. Had some of these men been with you for any length of time?—Yes, some for 14 years, I think.

13,716. About how many servants were there in your employment?—I think there were four male servants and five female.

13,717. You were under police protection, we understand?—Yes.

13,718. Speaking from your own experience, how were you treated in going along the road, were you greeted in any way by the people?—Yes, they were shouting and screeching after us when we travelled along the road.

13,719. As you what, along the road?—They used to shout and screech after us as we used to go along.

13,720. What was the shouting and the screeching?—I think they used to call us murderers.

13,721. Anything else?—And informers, I think.

13,722. Did you give evidence at the trial?—Yes.

13,723. With other members of your family?—Yes.

13,724. Your two sisters?—Yes.

13,725. And your brother?—Yes.

13,726. Now you said all the servants left you except one?—All the male servants.

13,727. Was that the coachman?—Yes.

13,728. Do you recollect his going to the village of Firies at any time after the murder. Do you recollect anything happening to him in the village?—Not that boy, another boy afterwards that we got.

13,729. What did happen to one of your male servants afterwards?

(*Sir C. Russell.*) Was he there?

(*Sir H. James.*) Let us have the fact.

21 Nov. 1888.]

GEORGE CURTIN.

[Continued.]

- 13,730. Did your servant go into the village to your knowledge?—Yes.
 13,731. Did he return to the house?—No.
 13,732. Never?—The night he went to the village he got beaten.
 13,733. When he went to the village as you say now, and got a beating, did he come back to the house or go away?—He came back.
 13,734. When he came back, did he complain of anything having happened to him; had anything happened to him according to his complaint?—Yes.
 13,735. What was it?—He was assaulted and beaten on the road.
 13,736. Did you see any signs of the assault and beating?—Yes.
 13,737. What?—He was all cut and bleeding.
 13,738. Did he go into the village of Firies?—Yes.
 13,739. And did he come back to your house and did you see him?—Yes.
 13,740. When you saw him, what state was he in.
 (Sir C. Russell.) He has told us, but not of the occasion.
 (Sir H. James.) Pray do not interrupt.
 (The President.) He has already said he was all cut and bleeding.
 (Sir H. James.) My learned friend should not interfere.
 (Sir C. Russell.) What I said was, he did not say the occasion.
 (Sir H. James.) Will you forgive me—
 (Sir C. Russell.) Then I will formally object. The fact that he came back cut and bleeding I do not object to; but what I am saying is he does not say the occasion.
 (Sir H. James.) I would not have left it there.
 13,741. Was the servant hurt or not?—Yes, very badly.
 13,742. How long ago was that?—I think about six months before we left.
 13,743. When did you leave?—We left in May.
 13,744. Last year?—Last year.
 13,745. Then it would be about a year ago, more or less?—Yes.
 13,746. How long had this lad been in your service?—Since my father was murdered.
 13,747. From the time of the murder until then had he remained in your service?—Yes.
 13,748. Did you see any threatening letters at all written to the servants?—Yes.
 13,749. Do you recollect in the hay harvest having to engage men to cut the hay?—Yes.
 13,750. Before the hay was cut did any leave you?—Yes.
 13,751. Was any reason given for those quitting your service by the men who left?—He said he was threatened, I think.
 13,752. Were there any men ever arrested for shouting after you?—Yes, there were.
 13,753. Was one of those men named Kennedy?—Yes.
 13,754. Just say yes or no. Do you know whether those men or any of them were members of the Land League or not?—I do not know.

Cross-examined by Sir C. RUSSELL.

- 13,755. Did any of your servants bear the name of Daley, or Casey, or Sullivan?—Yes; we had three bearing the name of Sullivan.
 13,756. Men servants?—Yes.
 13,757. Any bearing the name of Casey?—No.
 13,758. Any bearing the name of Daley?—No.
 13,759. Were you yourself, Mr. Curtin, a member of the National League?—Yes.
 13,760. You were?—Yes.
 13,761. How long had you been a member of it?—Since the time it was started there.
 13,762. Would that be about the autumn of 1882?—Oh! no; it was only about six months before when the National League, I think, started there.
 13,763. This branch of the League?—Yes.
 13,764. At Firies?—Yes.
 13,765. And you joined it when it was formed?—Yes.

21 Nov. 1888.]

GEORGE CURTIN.

[Continued.]

13,766. So far as you know, did all, or the greater part, at all events, of the respectable neighbours also join it?—I think so.

13,767. Did your father join it at the same time?—Yes, I think he did.

13,768. When it was started?—Yes.

13,769. It has been suggested that he was one of the vice-presidents of it?—Yes, he was.

13,770. Did you yourself hold any office in it?—No.

13,771. Did you attend its meetings?—Yes.

13,772. Mr. Curtin, I must ask you this question. Your family and yourself have suffered grievous trouble; have you any grounds for suggesting that the National League had anything to do with this gross crime committed against your family?—No.

Cross-examined by Mr. Lockwood.

13,773. You have spoken of the meeting that took place of the National League some short time before your father's death?—Yes.

13,774. Were you at that meeting?—Yes.

13,775. I think the meeting was addressed by Mr. Edward Harrington?—Yes.

13,776. And your father was present at the meeting?—Yes.

13,777. Do you know that your father invited Mr. Harrington to partake of hospitality at his house during his visit?—Yes, I think so.

13,778. And your father was in thorough sympathy with the meeting and its objects?—Yes; I think he was.

13,779. After the occurrence, did you read the resolutions that were passed by the branches of the League at Firies and at Killorglin, and also at Ballyhard, I think?—I saw some; I could not tell you whether I saw all those or not.

13,780. Do you recollect the resolutions that were passed by those branches that I have put to you?—Yes, I do.

13,781. And am I right in saying that those resolutions passed at those branches strongly denounced the outrage which had been committed on your family?—Yes.

Re-examined by Sir H. JAMES.

13,782. You say you were a member of the National League. Were you a member of the general body of the branch?—Yes.

13,783. Or were you a member of the committee?—No, a member of the general body.

13,784. How often did you attend the League?—I think I attended it nearly every Sunday it was held.

13,785. Where was it held?—At a house in the village of Firies.

13,786. And about how many attended?—I think about 100 every day.

13,787. I am not quite sure that this arises out of the cross-examination, but if it does not I ask permission to put it. Were those the people in the neighbourhood who were attending at that branch?—Yes.

13,788. Shopkeepers and others?—Yes.

13,789. After you had given evidence at the trial who were the people who looked at you and shouted at you. What class of people?—The people of the neighbourhood.

13,790. People who knew you well?—Yes.

Sergeant FRANCIS MEEHAN sworn, examined by Sir H. JAMES.

13,791. Are you a sergeant in the Royal Irish Constabulary Force?—Yes.

13,792. In charge of the district at Farrafore?—Yes.

13,793. Was it within that district that Mr. Curtin lived?—Yes.

13,794. On the night of the murder did Mr. George Curtin report it to you?—He did.

13,795. And did you immediately proceed to the house?—Yes.

13,796. I will take this very shortly. You found there, I believe, the body of Timothy Sullivan?—I did.

21 Nov. 1888.]

FRANCIS MEEHAM.

[Continued.]

13,797. By his side did you find a loaded rifle?—Yes; it was handed to me.

13,798. I do not want to go into detail; there was some other firearm found, was there not?—Yes, a double-barrelled gun.

13,799. Were you present on the day of the funeral?—I was not exactly present, but I was convenient, by the road; I saw the funeral quite plainly.

13,800. And the procession?—Yes.

13,801. You know the habit of persons attending funerals in that district. Was the funeral largely attended, or not?—It was not.

13,802. How should you describe it as being, what sort of funeral?—It was small, and I saw the people coming out of the churchyard and passing along the road; they were principally composed of strangers, not neighbours of the deceased.

13,803. Do you know Mr. McMahon who is a Leaguer; a somewhat prominent Land Leaguer, is he not?—I do.

13,804. Is he the son of the secretary of the League?—The father.

13,805. The father of the secretary?—Yes.

13,806. At the time, or on the day of the funeral, did you say anything to him about the funeral?—Yes; I spoke —

(Sir C. Russell.) Surely we are travelling very far afield.

(The President.) I think it is put that he was only related.

(Sir H. James.) First he proved, I think, that he was a Land Leaguer, and then I put that he was somewhat prominently a Land Leaguer, and he said "Yes."

(Sir C. Russell.) See where this leads to, my Lords. A casual observation made by the father or the son of a man who happens to visit a funeral.

(The President.) That was my impression; but Sir Henry James says the witness said he was a member of the Land League.

(Sir C. Russell.) Supposing he was. Would a conversation of this kind be admissible. Are we to go into all this class of evidence?

(The President.) I cannot exclude it.

13,807. (Sir C. Russell.) I will interpose this question. Do you know that the man with whom you had the conversation was a member of the League?—I saw him enter the National League rooms with the rest of the Leaguers on Sundays, where the meetings were held.

(Sir C. Russell.) That may be *prima facie* evidence.

(Sir H. James.) I do not say it is of much value.

13,808. What was it you said to him, if anything, about the funeral?—I said to him, meeting him on the road, that it was a shame for him not to attend his neighbour's funeral, as I knew they were very intimate, and he said he was sorry, or something to that effect, that he could not attend it, but he was afraid.

13,809. (Sir C. Russell.) Something to that effect, did you say?—Yes, he was sorry and he would have attended it, but he was afraid.

13,810. (Sir H. James.) Was it part of your duty to attempt to discover those who had murdered Mr. Curtin?—Yes.

13,811. Did you receive any assistance from the persons in the neighbourhood or not?—None whatever.

13,812. Did you arrest Casey and Daley?—I arrested Casey. It was not I who arrested Daley.

13,813. Had you known Casey?—I had.

13,814. Did you know of your own knowledge whether he was a member of the Land League at Firies or not?—Yes, I saw him attend the meeting where the National League was established, riding on horseback, and wearing a green sash across his breast.

13,815. I believe that man received 14 years penal servitude?—Yes.

13,816. How far off were you stationed yourself from the house Mr. Curtin had occupied?—About two miles.

13,817. After the trial took place were you made acquainted with any change in the neighbourhood?—Yes.

13,818. What was it?—I saw that there was very considerable ill-feeling against them, and especially so after the trial.

13,819. Had you to bring a large force of police to attend the chapel where the family went to mass?—I had.

21 Nov. 1888.]

FRANCIS MEEHAM.

[Continued.]

13,820. What happened upon that Sunday after the trial?—On the first Sunday after the trial, when the family attended divine service, after they entered the church, I heard from the outside a great shout arose within the church, and booing, and nothing further until divine service was over. Then, when the family left the church and were about getting up on their cars to go home, the crowd rushed towards them, booing, shouting, and calling them murderers and informers, and I, with a party of police that accompanied me, drew our swords and got between the family and those that were booing them, and in that way we got them away from the church.

13,821. The family consisted of the female portion of it as well as the sons?—Yes.

13,822. In consequence of what occurred on that first Sunday after the trial, did you apply for a larger force of police for the subsequent Sunday?—I did.

13,823. I believe the resident magistrate and district inspector attended with an increased force of police?—Yes.

13,824. What happened when they were coming out of church on that occasion?—After they went in I followed them closely, and one person in the congregation within the church, a female, shouted, booed at them, as they passed up the church.

13,825. Coming out, please, what occurred?—Coming out, just as they had passed through the gate and were again about getting up on their waggonette, the crowd that waited, they remained inside the church a short time, until nearly all the congregation were out, but as they were getting up on their conveyance to go home, the whole crowd rushed towards them, shouting as before, and the police were drawn up again between the family and the crowd. A few stones were then thrown over the heads of the police in the direction where the family were, and the police got orders to charge the crowd.

13,826. Were those people in the crowd people from the neighbourhood, or not?—Yes, generally people in the neighbourhood.

13,827. About how many would form the crowd?—About 200, I should say.

13,828. Did any one person amongst that crowd in any way endeavour to protect these young ladies?—None whatsoever.

13,829. Except the police. Going back for a moment, on the second Sunday after the murder, were you in the chapel when Father O'Connor, the parish priest, was there?—I was.

13,830. I believe he is the president of the Land League?—Yes.

13,831. Did you hear him refer to the murder?—I did.

13,832. In what terms did he refer to it?—He said that it was a shame, that he hoped those things would cease, in a few words, and added, "Whatever any man may think, we all deeply sympathise with the widow who has lost her son." They were only a few words just.

13,833. Who was that who had lost her son?—I believe it to be the widow Sullivan. The son was murdered and shot.

13,834. His mother was a widow?—Yes, she was.

13,835. Give me again, please, the words Father O'Connor said. "Sympathised with the widow"?—Yes, "with the widow who had lost her son."

13,836. Did Mrs. Sullivan live in the neighbourhood?—Yes.

13,837. Of course we know her son was shot?—I know.

13,838. Did he make any reference to Mrs. Curtin or her daughters?—None.

Cross-examined by Sir C. RUSSELL.

13,839. How long have you been in this district?—Nearly four years.

13,840. When did you go there?—I went in, I think, the month of March or April 1885.

13,841. And have been there ever since?—Yes.

13,842. Were you a sergeant when you went there?—Yes.

13,843. This McMahon with whom you had a conversation, what is he?—A farmer.

13,844. In the neighbourhood?—Yes.

13,845. Did you think his conversation of sufficient importance to make a report of it?—I was asked.

21 Nov. 1888.]

FRANCIS MEEHAM.

[Continued.]

13,846. Did you think this conversation of sufficient importance to make a report of it?—Yes, when I was asked, I thought it was.

13,847. To your superiors?—No, not by my superiors.

13,848. Then you did not think it of sufficient importance to make a report to your superiors about it?—No, I did not; I considered it of little importance at the time.

13,849. Did you take a note of it?—I did not.

13,850. It occurred when?—The day of the funeral.

13,851. In 1885?—Yes.

13,852. November 1885?—Yes.

13,853. We are now in November 1888?—Yes.

13,854. Did you keep a distinct recollection of the conversation in your mind?—Yes, I did.

13,855. To whom did you first make a report of it?—Some solicitor, a solicitor here in Court or one of the officers in the Court.

13,856. Had you made any report of it to anyone before you were subpoenaed?—I had not.

13,857. Or mentioned it to anyone?—Excepting on the occasion after I went home to the barrack I may have mentioned it to the men who were with me.

13,858. Do you recollect you did?—No, I would not say.

13,859. Did you make any report of it to anyone until you say you made it since you came to London to some solicitor?—I did not.

13,860. Who subpoenaed you?—Mr. Soames, I believe.

13,861. But who was the person who served you?—A clerk of his, I think.

13,862. Where?—At Mr. Soames' office.

13,863. You were subpoenaed here, were you?—Yes.

13,864. Then you came here without a subpoena?—I had no subpoena coming.

13,865. Who told you to come?—I got a telegram directing me to come.

13,866. From whom?—From a district inspector.

13,867. What is his name?—Rogers.

13,868. District-Inspector Rogers directed you to come to give your evidence here?—He did not say for what.

13,869. You understood that to be the object?—Yes, to report myself at Mr. Soames' office.

13,870. And then, when you came to Mr. Soames' office you were served with a subpoena?—Yes.

13,871. Did you know that McMahon was a cousin of Timothy Sullivan, who had been shot?—I did not.

13,872. Do you know?—No, I do not.

13,873. Have you heard that he was a cousin of Sullivan's?—I have not. I never heard that he was a relative of his.

13,874. You say he told you he was very sorry and would like to have attended, but he was afraid?—Yes, something to that effect.

13,875. Is this man who was afraid, according to your account, the man who has taken the Curtin farm?—He is not.

13,876. Who has taken it?—Jeremiah McMahon has taken it.

13,877. Is he a relation?—He is. He is a relation of John McMahon, the man of whom I have spoken.

13,878. His son?—No, he is not.

13,879. On the first Sunday after this murder, the Curtin family were conducted to church under a police escort?—I do not think that they attended church on the first Sunday after the murder, after the trial.

13,880. After the trial, by police escort?—Yes.

13,881. Had they asked for it?—I cannot say. I presume they had.

13,882. I wish to ask you?—I cannot say.

13,883. Had they asked for it?—I could not say.

13,884. Or was it you or your superior who directed it?—There was a permanent police hut erected outside their house.

13,885. Had they asked for that?—I could not say.

13,886. Do you know whether they had asked either for that or for the police escort?—I could not say.

21 Nov. 1888.]

FRANCIS MEEHAM.

[Continued.]

- 13,887. Did the policemen escort them up the church?—To the church door.
- 13,888. And into the church?—Yes, they passed in then.
- 13,889. No, no?—Their whole escort did not escort them up the church.
- 13,890. I do not say their whole escort. Did some of the policemen follow them up the church?—I really could not say. I followed them myself. If any did, there were only one or two.
- 13,891. You are a policeman, are not you?—Yes.
- 13,892. Who was the resident magistrate?—Who heard the case?
- 13,893. No. You told my learned friend what was done by the directions of the resident magistrate and district inspector?—Yes.
- 13,894. Who was the resident magistrate?—Mr. McDermott.
- 13,895. And who was the district inspector?—Mr. Crane.
- 13,896. You have been asked about the second Sunday after the murder. Where were you on the first Sunday after the murder?—I attended divine service on the first Sunday after the murder.
- 13,897. Where?—At Firies.
- 13,898. Who was the officiating clergyman?—I think Father Murphy.
- 13,899. You have not been asked about him. Did he make any reference to the murder?—He did.
- 13,900. Did he denounce it?—He did.
- 13,901. Strongly?—Strongly.
- 13,902. Where was Father O'Conner officiating on that day?—I could not say. He was not there.
- 13,903. You know, do not you, that he was in the other church?—Well, I know it is customary for them to officiate in their turn at the different places.
- 13,904. What took place on the first day you do not know, not being there?—I do not know.
- 13,905. I must ask you about this on the second Sunday. On the second Sunday, when you have spoken to some words used by the parish priest, Father O'Conner, were the Curtins there?—I think they were not.
- 13,906. Just think?—I think they were not.
- 13,907. Were they or not?—I believe they were not.
- 13,908. Do you say they were not?—I cannot go any further. I believe they were not.
- 13,909. I am testing your recollection. Will you undertake to say whether they were or were not?—I could not go any further. To the best of my belief they were not.
- 13,910. Were they in the sacristy?—No, I go as far as to say they were not in the sacristy. I will go so far as to say they were not there at all.
- 13,911. You go so far as to say they were not there at all?—To the best of my belief. I will not go further.
- 13,912. Will you say they were not positively?—I cannot.
- 13,913. Did you take any note of Father O'Conner's sermon or observations?—I did not.
- 13,914. Did you think they were of sufficient importance to make any report of them to your superior?—No, I did not.
- 13,915. When were you first asked about what Father O'Conner said?—After coming here.
- 13,916. At Mr. Soames' office?—Yes.
- 13,917. Had you any note or scrap by which to revive your recollection of that statement or those words which you heard in November or December 1885?—I had not.
- 13,918. Had you given any statement upon that subject to anyone, before you gave it at Mr. Soames' office?—No.
- 13,919. Will you tell my Lords again, what you say Father O'Conner said, and collect yourself?—He said: "We all deeply regret what has occurred, and whatever any person may think, we all deeply sympathise with the poor widow that has lost her son."
- 13,920. Now, do you represent to my Lord, speaking on your oath, that that is all he said?—Oh, no, I do not for a moment. The last words struck me so forcibly that I remember them.
- 13,921. Is it the last words then only that you recollect?—Yes, the last sentence.

21 Nov. 1888.]

FRANCIS MEEHAN.

[Continued.]

13,922. I put it to you plainly. Do you mean to say that he did not upon that occasion denounce the murder?—I do; beyond what I have told you.

13,923. Will you repeat it again?—He said that he regretted, and that it was to be regretted, or words to that effect, what occurred; but whatever any person may think, he says, we all deeply sympathise with the poor widow who has lost her son. A few words, just merely a few words.

13,924. How long was he speaking?—Not a minute, I think.

13,925. Did you understand the first part of what he said to refer, or not, to the Curtin murder?—To what occurred.

13,926. "We all deeply deplore," I think you said?—"We all deeply sympathise with the poor widow."

13,927. The first words you used, Mr. Meehan?—The first words; he said that "it is to be regretted," or "we all regret what has occurred."

13,928. Did you understand that to apply to the Curtin murder?—I understand it to apply to one as well as the other, to the whole transaction.

13,929. Then you did understand that applied to the Curtin murder?—Yes, to the whole moonlighting raid.

13,930. It was a moonlighting raid?—Yes, it was known by that name.

13,931. Do you think it also referred to the annoyance given to the Curtin family?—There was no annoyance at this time. The annoyance did not commence. This was only the second Sunday after.

13,932. You had not begun to escort them to church at that time?—They were escorted from the commencement.

13,933. After the murder?—Yes.

13,934. Then there must have been some supposed occasion for the escort?—I believe there was.

Cross-examined by Mr. LOCKWOOD.

13,935. How long have you been in this district?—Nearly four years.

13,936. Were you examined at all on the Cowper Commission?—I was not.

13,937. You know Mr. Considine, do you not, the resident magistrate?—I do.

13,938. Has moonlighting existed ever since you have known this district, in this district?—It has.

13,939. And, so far as you know, has the object of the moonlighting generally been the robbery of arms?—Yes, and other causes too as well.

13,940. I am asking you what has been, so far as you know, the general cause of these moonlighting outrages, and I ask you whether you do not know the general cause has been the robbery of arms?—Not the general cause.

13,941. The most prevalent?—I would not say it was the most prevalent.

13,942. Is it a very common cause of the moonlighting outrages?—Yes, it frequently occurs.

Cross-examined by Mr. DAVITT.

13,943. You know the locality well?—I do.

13,944. And the people?—Yes.

13,945. Do you know that the Sullivans and the Caseys have a very strong faction in their own family and the Dalys?—I believe they have.

13,946. A large number of relatives?—Yes.

13,947. Through marriage and so on?—Yes.

13,948. Now do you believe, that the feeling against the Curtin family was confined to the relatives of the Sullivans, the Caseys, and the Dalys chiefly?—I do not.

13,949. Chiefly?—I do not. Of course the feeling existed in every one of them, but it was outside. I am aware it was outside.

13,950. To what extent outside?—To a large extent.

13,951. Would you say that the respectable people of the locality joined in this persecution?—On this day that we were compelled to charge them, I could make no exception.

21 Nov. 1888.]

FRANCIS MEEHAN.

[Continued.]

13,952. Did you charge any respectable people?—The whole of the congregation, I might say. I saw none whom I could make exceptions.

13,953. Were there many boys there?—There were.

13,954. Small boys?—Small and large.

13,955. Did they take a chief part in this booing?—They did. They took a part in it.

13,956. Do you think they initiated the booing. Do you think they began it?—No, I would not say the small boys began it.

13,957. Would you say the respectable people began it?—No, but they took part in it.

13,958. Then who began it?—The whole of the congregation generally. They all made a rush.

13,959. Do I understand the congregation includes the respectable people of Firies as well as the boys?—Yes.

13,960. Do you say the respectable people in the congregation began this?—I say they assisted in it. I could not name anyone as beginning, because they all commenced it together.

13,961. You know the people very well?—I knew the most of them.

13,962. You knew all those who were at mass, I suppose?—Not all, but the greater portion.

13,963. Will you give me the name of any respectable person present you heard booing?—I could name a man. I summoned 36 of them, and had them bound to the peace.

13,964. For this?—Yes.

13,965. Were they respectable people?—They were.

13,966. All of them?—Just the same as the rest in the district.

13,967. Were they all respectable people?—The average. I took them as I found them.

13,968. You tell me you saw Casey at a Land League meeting?—Yes.

13,969. Are you sure it was a Land League meeting?—Well, it was reputed to be.

13,970. When was it held?—It was held on the 27th September 1885.

13,971. Will you swear the Land League was in existence then?—I will swear I heard a member of Parliament say they came there to strengthen and re-organise a branch of the National League.

13,972. I asked you the Land League?—When I say the Land League, I mean the National League.

13,973. You say one thing and mean another?—Oh, no; I believe they both were the same. I can make no difference between them.

13,974. That is your belief?—Yes.

13,975. Have you ever read the constitution of the Land League?—I do not think I have.

13,976. Have you ever read the constitution of the National League?—I do not think I have.

13,977. Then why do you swear that one thing means another?—Because I saw that those who were members of one were members of the other.

13,978. Do you know that Casey had a brother?—I do.

13,979. Will you swear it was not his brother you saw with a sash?—I will.

13,980. What is his brother's name?—John.

13,981. Was he at the meeting?—I did not see him.

13,982. How was he dressed?—Timothy—Ted you mean. That is the man wearing the sash.

13,983. Yes. Had he a hareskin cap on?—No, he had not.

13,984. Did you attend a public meeting in Castle Island on the 21st February 1886?—I did not.

13,985. Then you know nothing of a speech delivered by me on that occasion?—Nothing whatever.

Cross-examined by Mr. BIGGAR.

13,986. Do you remember having been present at any Home Rule meetings between 1872 and 1879?—I was not.

13,987. You never saw any of them?—No.

21 Nov. 1888.]

FRANCIS MEEHAN.

[Continued.]

Re-examined by Sir H. JAMES.

13,988. You answered my learned friend, Sir Charles Russell, and you said "moon-lighters existed so long as I have been in this district." How long have you been the district?—About four years.

13,989. From this time?—Yes.

13,990. Then you know nothing of what the state of the district was before the establishment of the Land League?—Excepting hearsay.

13,991. But you know nothing of your own knowledge?—No.

(*Mr. Biggar.*) Might I be allowed to ask the witness, seeing that he was not in Firies at the time the Land League was in existence, how he swears that the same parties were members of both?

(*The President.*) Yes.

13,992. (*Mr. Biggar.*) Will you give any reason why you give that evidence?—I saw that those were the parties, and heard they were the Land Leaguers, and then on the date on which the National League was established I saw the very same parties taking part in it.

13,993. Were you in Firies at the time the Land League was in existence?—Well, I would not say it ever was dead.

13,994. But do not you know it was dissolved?—I do not. I know that it became apathetic.

(*Sir H. James.*) There is one very small matter I may communicate to my friend, Sir Charles Russell. I gathered that he asked some questions to show whether the interference of the police was moved by the police themselves or proceeded from the family of the Curtins.

(*Sir C. Russell.*) My observation was addressed to the escort to church.

(*Sir H. James.*) Just so, but I will ask one question as to that.

Inspector C. P. CRANE recalled, further examined by Sir H. JAMES.

13,995. You are the district inspector, I think, in this district we are speaking of?—Yes, I am.

13,996. Did the police attend at your suggestion or your directions without any application from the Curtin family or in consequence of the application?—Immediately after the murder the Curtins asked for protection, and said they could not live in the place unless protection was given, and on the very day following the murder we had to put some men into the house, and then we had to put a police hut up in the garden close to the house, and whenever they went out to chapel or anywhere they had to be followed.

13,997. Was it in consequence of their request that the police interfered?—Yes.

(*Sir C. Russell.*) My question referred to another thing, not to this.

Cross-examined by Sir C. RUSSELL.

13,998. Did they apply to be escorted by the police to and into the church?—Yes, they did.

13,999. Was that in writing?—No, it was not; it was made personally to me.

14,000. By which of them?—Mrs. Curtin.

(*Mr. Murphy.*) While the witness is coming, my Lord, may I produce a threatening notice that was referred to by the witness Huggins yesterday. It was coming in a registered letter which had not arrived. The letter has arrived now. This is the threatening notice. It is referred to at page 882 of the proceedings. If my learned friend wishes I can call Mr. Huggins to identify the letter.

(*Mr. Justice A. L. Smith.*) You had a copy of it, had not you?

(*Mr. Murphy.*) I think not. You will remember it was in reference to a man named John Culloty. "100l. reward for any such person or persons who will shoot any man who works for one day for the said boycotted John Culloty, of Gullano. This reward will be had by an application to the head Land League Office, New York. Signed by the Right Honourable Captain Moonlight."

21 Nov. 1888.]

PETER BREEN.

[Continued.]

PETER BREEN sworn, examined by Mr. MURPHY.

14,001. Do you live at Loughamore, in the county of Kerry?—Yes.

14,002. Was there a farm there which had been formerly occupied by a man named M'Mahon?—There is.

14,003. How long had it been vacant after his eviction?—I could not say.

14,004. Did you take some one grazing on that farm?—No.

14,005. What did you do about it?—I sold a heifer to the agent, Mr. Hillier.

14,006. Were any terms made as to the grazing?—No.

14,007. Did the heifer go to that farm?—No, sir, I believe Mr. Hillier had it, to the best of my belief, for a year or two before he sold it.

14,008. Did the heifer go to the farm which Mr. Hillier occupied?—It was there a long time after Mr. Hillier buying her.

14,009. Was this in July 1884?—Yes, it was July to the best of my belief; it was 1884.

14,010. About the 2nd July?—The 2nd July I sent the heifer down to the farm after selling her. My father sold her to Mr. Hillier.

14,011. On the 18th July did five or six men come to your house?—They did.

14,012. What time of the night?

(Sir C. Russell.) The 18th July 1884.

(Mr. Murphy.) Yes.

14,013. What time of night?—To the best of my belief between 10 and 11 at night.

14,014. What did they say to you?—One of them, one or more asked me why did I send the heifer grazing to the evicted farm; to the best of my belief he said to the evicted farm. I told him I did not, but that she was sold to Mr. Hillier, the agent, the agent named Mr. Hillier, and one of the parties called No. 21, or something like that, and a shot was fired.

14,015. Let me see whether I understand it. When they came in they asked you what?—Why did I send the heifer grazing to Kenmare.

14,016. And you said you had sold it?—I said I sold her to the agent.

(The President.) He named the person Hillier.

14,017. (Mr. Murphy.) He was agent?—Yes.

14,018. What was the next thing that happened?—One of the parties said No. 21, or something like that.

14,019. And then a shot was fired?—Yes.

14,019a. At you?

(Sir C. Russell.) He has not said it was fired at him.

14,020. (Mr. Murphy.) A shot was fired at you by one of the men?—Yes.

14,021. Was the shot fired at you or not?—Yes.

14,022. Did it strike you?—It did.

14,023. Where?—Here in the thigh.

14,024. Had you police protection after this?—I had.

14,025. How long?—I believe I had it two years and nine or 10 months to the best of my belief.

Cross-examined by Sir C. RUSSELL.

14,026. You do not seem to know rightly how long you had police protection?—I do not exactly know. To the best of my belief it was two years and nine or 10 months, I do not know which.

14,027. What was the police protection?—It would be before I would be injured any more, I suppose.

14,028. That was what was guarded against. I mean what was the police protection; did they live in the house?—I did. I lived in my own house, and they had a hut.

14,029. Is this police protection that they patrolled in your neighbourhood, and paid you occasional visits?—No, sir. There was a hut convenient to my house.

14,030. I want you to tell us the story about this. You say you did not send your heifer to graze on this evicted farm?—I did not.

14,031. You say what you had in fact done was to sell the heifer?—Yes.

21 Nov. 1888.]

PETER BREEN.

[Continued.]

- 14,032. To somebody else you had named. That is true, is it?—Yes, it is.
- 14,033. Where were you shot?—Here, in the thigh.
- 14,034. Was it shot or a bullet?—I could not say.
- 14,035. Did you get the shot taken out?—No, it could not be. The shot and the flesh and all went together.
- 14,036. You could not get it out?—No.
- 14,037. Have you been able to do your work since?—I have, as well as I can.
- 14,038. Now I want to know about this farm. Who is the landlord?—Archdeacon Bland at that time.
- 14,039. Had he a tenant a man called Michael McMahon?—There was two evicted farms there, and one of them was held by McMahon.
- 14,040. What are you? What were you at the time?—I am a farmer.
- 14,041. Had you nothing to do, were not you bog ranging?—My father was.
- 14,042. For Archdeacon Bland?—Yes.
- 14,043. And was there a dispute, do you recollect, between the tenants on the Blennerhassett property, and Archdeacon Bland complained about certain turbery do you recollect?—I do.
- 14,044. What was it?—The Ballyseed estate was getting the bog ———
- 14,045. Was there a dispute about it?—I do not think there was, but they used to be always trying to get the bog.
- 14,046. Was McMahon evicted in March 1884?—Begorra, I could not say the time, but I think at the time he was.
- 14,047. I want you to attend to me. You know these men came to you in July 1884?—Yes.
- 14,048. Was McMahon evicted in March 1884 or about that time?—To the best of my belief he was evicted at the time, but I could not say what time.
- 14,049. Do you know who the agent was?—Yes, I do.
- 14,050. Who?—Mr. Hellier was the agent at that time.
- 14,051. To whom you sold the heifer, you say?—Well, my father sold the heifer to him.
- 14,052. Do you recollect who the sheriff was?—I do not.
- 14,053. Just attend to me. Was a daughter of the evicted tenant who was dying of consumption carried out of the house on her bed, and did she die within an hour of her being carried out?—About the same time, but I cannot say what time.
- 14,054. Did she die within an hour of her being carried out?—I could not say what time, but I know——
- 14,055. You know that it caused a great deal of feeling between the country?—There was some talk about it.
- 14,056. Were you at the eviction yourself?—I do not remember. I was at that eviction.
- 14,057. Try and recollect?—I do not recollect it.
- 14,058. Will you say you were not at that eviction?—To the best of my belief I was not.
- 14,059. It was a matter as to which you can have no doubt about; try and recollect?—I cannot recollect.
- 14,060. Was it a snowy day?—I cannot say.
- 14,061. Tell me one way or the other?—To the best of my belief, I was not there.
- 14,062. Surely you are able to say positively one way or the other?—I cannot.
- 14,063. Then you may have been there?—I do not think I was.
- 14,064. Did you see the girl carried out in her bed?—No, I did not. I was living a good way off from her.
- 14,065. You did not see that?—I did not.
- 14,066. When these men came, how many men were there?—To the best of my belief from four to six persons.
- 14,067. And they appeared to be known to one another by numbers?—Sir?
- 14,068. And they appeared to be known to one another, or to call to one another by numbers?—One man said No. 21, or something like that.
- 14,069. Mentioning some number?—Yes.
- 14,070. Were they disguised?—I cannot say.

21 Nov. 1888.]

PETER BREEN.

[Continued.]

14,071. What?—I cannot say whether they were or not.

14,072. Was there no light?—No light.

NORAH FITZMAURICE SWORN, examined by Mr. ATKINSON.

- 14,073. What was your father's name?—James Fitzmaurice.
 14,074. Where do you live?—In Ahabeg.
 14,075. Is that in the parish of Lixnow in the county of Kerry?—Yes.
 14,076. Had you an uncle named Edmund?—Yes.
 14,077. Was Edmund married?—Yes.
 14,078. Did your father James and his brother Edmund manage their farm between them?—Yes.
 14,079. What was the size of the farm?—66 acres.
 14,080. What was the rent of it?—54*l.* 18*s.*
 14,081. Now, do you remember in the year 1886 some disputes arising between your father and your uncle about this farm?—Yes.
 14,082. Were they both ultimately evicted for nonpayment of rent?—Yes.
 14,083. Were they both put back as caretakers?—Yes.
 14,084. Had this dispute continued up to the beginning of the year 1888 between your father and your uncle?—Yes.
 14,085. What was the nature of the dispute?—That he would not pay rent until he got the rent divided.
 14,086. He would not pay?—My uncle would not pay.
 14,087. Would not pay any portion of the rent is it, or the whole of it?—No, but a portion.
 14,088. His portion?—Yes.
 14,089. Was your father willing to pay his part of it?—Yes.
 (The President.) She said something about dividing.
 14,090. (Mr. Atkinson.) They occupied the farm between them?—Yes.
 14,091. Your father was willing to pay his portion of the rent?—Yes.
 14,092. How much was that?—Some 14*l.*
 14,093. Was your uncle Edmund willing to pay his portion, the balance?—No.
 14,094. He would not pay any of it?—No.
 14,095. Did the landlord refuse to take your father's portion unless the entire rent was paid?—Yes.
 14,096. Were your father and uncle evicted in consequence?—They were.
 14,097. They were then put back as caretakers, you say?—Yes.
 14,098. Both of them, were they not?—They were put back as caretakers.
 14,099. Do you remember in March 1887, Mr. Hussey the landlord, coming to the land?
 14,100. (Sir C. Russell.) When?
 (Mr. Atkinson.) Sometime in 1886.
 14,101. Do you know the exact date when they were evicted by the sheriff?—No.
 14,102. At all events, did Mr. Hussey come to the land in the month of March 1887?
 —Yes.
 14,103. Did your father accompany him over the land?—He did.
 14,104. What did he visit the land for?—He was making a new road through the lands.
 14,105. And your father accompanied him?—Yes.
 14,106. Now about that time was your father made tenant of the entire lands, as he and your uncle could not agree to divide the rent between them?—Yes.
 14,107. Your father was made tenant of the entire?—Yes.
 14,108. After your father was made tenant of the entire, where did your uncle go to live?—He went to a neighbouring house.
 14,109. Was it far away?—The next farm.
 14,110. He continued to live there?—Yes.
 14,111. Do you know a man of the name of Doolan?—Yes.
 14,112. Where does he live, near?—A couple of farms near.
 14,113. What is his Christian name?—Thomas Doolan.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

14,114. Do you also know a man of the name of Michael James Quilter?—Yes.

14,115. He is dead, I believe?—Yes.

14,115a. Died the other day in London?—Yes.

14,116. Had Doolan anything to do with the Land League?—He was chief secretary in the League.

14,117. And what was Quilter?—Assistant secretary.

14,118. (*Mr. Atkinson.*) My Lords, I will read the "Kerry Sentinel" of the 1st February 1887, from which it appears a meeting of the Lixnow branch of the Land League was held, and that Thomas Quilter was assistant secretary and Doolan honorary secretary. There is the report of the meeting of the Lixnow branch. The paper is dated the 1st February 1887, and the meeting took place on the 23rd January. The Rev. T. Noolan, president, in the chair. Amongst those present were Mr. T. Keene, poor law guardian; T. Behan, treasurer; T. Doolan, honorary secretary; Michael J. Quilter, assistant secretary, and several others. John Bowler, John O'Connell, John Shea, Edmund Fitzmaurice, senior—is that your uncle?—Yes.

14,119. Now after the visit of Mr. Hussey to this land, did you see any notice posted anywhere about your father's house?—No, sir.

14,120. Some short time after this visit to Mr. Hussey did any person bring a letter to your father?—Yes.

14,121. Who was it brought the letter?—Thomas Doolan's servant man.

14,122. That is the servant man who was the secretary of the League?—Yes.

14,123. What was the servant man's name?—The name was Edward Barrett.

14,124. Did you read the letter?—Yes.

14,125. Is that the letter (*handing letter to the witness*)?—It is the very one.

14,126. "Irish National League, Lixnow. Sir, I am directed by the local National branch to ask you to attend at the meeting of the branch on Sunday next, the 12th inst. The meeting will be held in the League rooms after last mass. I am, sir, yours truly, T. Doolan, honorary secretary. To Mr. James Fitzmaurice, Ahabeg." Did your father go to the League's rooms on that day?—No.

14,127. Did you afterwards see any report in any of the papers in reference to the proceedings of the Land League?—Yes.

14,128. On this day, when your father did not appear?—Yes.

14,129. In what papers did you see them?—In the "Reporter" and in the "Sentinel."

14,130. In the "Kerry Weekly Reporter"?—Yes.

(*Sir H. James.*) May I ask your Lordship's opinion now on this. This raises a point my learned friend Mr. Atkinson will allow me to raise. We will take your Lordship's opinion whether we are entitled to put in evidence the contents of this publication the "Weekly Reporter." I admit that no connexion will be shown, or can be shown, between any gentleman whose name has been mentioned here, at least, not at present. Therefore it may be taken, generally, it is a paper free from interference with any one who is now before the Court. But we submit it is evidence on these grounds. We submit it is evidence to show that the publication of the fact was known generally in the neighbourhood. A matter that is secret and unknown to persons, and one which is published and known, I say is very different. We wish to take your Lordship's opinion whether we are entitled to prove the fact of a resolution, be it whatever it may, being made known generally to the public so as to be known through the district. And then, my Lords, of course after that we shall purpose to show—whether we shall succeed or not is another matter—that circumstances that took place were naturally induced by that publication. That is the ground. I do not wish to tender evidence which I have not your Lordship's approval for. But I wish to put in the contents of the "Weekly Reporter."

(*Sir C. Russell.*) My Lords, it seems to be forgotten that this is an inquiry into certain charges and allegations against certain persons. That seems to be forgotten; and once that is stated, it seems to answer the position of my friend. Because see what he proposes. It is not proposed to prove the fact that any resolution or any notification, such as appeared in the paper, was in fact arrived at, against any person against whom allegations or charges are made; or by any person in complicity with them; but what is sought to be proved, is a report, as to which my friend has felt himself compelled to admit, that he could show no connexion, direct or indirect, with any of the persons who are incriminated. Therefore the proposition, simply stated, which my friend submits with some gravity to your Lordships is this, that your Lordships

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

are to take a paper, and take that as evidence in a case where the matters to be inquired into are not the general state of the country ; nor the state of feeling in the country ; nor the crime in the country ; but specific allegations, or what were supposed to be specific allegations, against certain incriminated persons. These are the grounds why I say it is most clearly not admissible, and my friend's observation, in which he has disclaimed his ability in any way to connect any of the persons incriminated with this paper leads me to submit that that is met by the further statement that, according to my instructions, this is not only not a paper in sympathy with general popular feeling in Ireland, but a paper directly opposed to it.

(*Mr. Asquith.*) May I add a word to what Sir Charles Russell has said about this? In support of what proposition is it that my learned friend Sir Henry James tenders this evidence? If the proposition is that this resolution is passed by a branch of the Land League, and therefore we are constructively responsible for it, this of course is not a proper link in the chain of proof, because it is no evidence that the resolution was in fact passed, or was known by the persons publishing a newspaper in any way connected with the League. Therefore this is not evidence of the fact of the resolution having been passed. Again ; I should imagine my learned friend tendered the evidence—as the “Kerry Sentinel” has been put in evidence—to show that a paper published under the auspices of prominent local members of the League by giving complicity to these resolutions, constructively expressed approval, or at any rate did not express disapproval. There, again, the evidence now tendered is not material, because it is admitted the paper which is going to be put in evidence is a paper certainly not carried on by members of the League, but is one which, as my learned friend Sir Charles Russell has just remarked to me, we shall be able to prove was actually hostile to the League. Therefore I would point out that we are not, in an inquiry of this kind, to be made responsible for publications in a newspaper hostile to ourselves, over which we have no control, which has every possible motive for misrepresenting our acts, and which may, if it thought proper, say the very things which it is tendered in evidence. On these grounds I submit it is not admissible.

(*Sir H. James.*) Will your Lordships allow me to say one word in reply?

(*Mr. Biggar.*) Allow me to say one word. I would like to submit to you this. Of course I cannot put the thing so well as Sir Charles Russell has done, but we know, as a matter of fact, that in Ireland a great many of these local papers are only read by a very small class, and unless it can be shown that this “Kerry Reporter,” which I never heard of before, unless it can be shown that it is generally read in the district, I do not think it ought to be taken as evidence.

(*The President.*) You are weakening Sir Charles Russell's argument.

(*Mr. Biggar.*) I might also say it is notorious that some papers in Ireland are only bogus papers altogether, and this may really be one of these.

(*Sir H. James.*) I gather from the argument of the three gentlemen that they have not either of them appreciated the grounds upon which I asked your Lordships' opinion. I have not forgotten this was an inquiry into the conduct of certain persons. I have not forgotten what it is we are inquiring into. We are inquiring, first, as to the conduct of the League. Now, my Lords, I have quite admitted that this paper is not evidence, because it is in issue between these persons whose conduct we are inquiring into. I quite admit that my friends have a right to say, without any proof, it is admissible in argument as a hypothesis, that this paper is hostile. But I am asking to be allowed to prove that in a certain district a fact was made public ; and I put it no higher than if this had been a notice fixed up on a gateway, and that it had been said we inform the public that a certain person has been guilty of a certain offence. Now I quite admit that the contents of that document are not proved by putting in the document ; but it is established by proof of the publicity that the persons in that district had thus brought to them a statement of what the facts were. It does not prove the statement, but it proves the commendation to the minds of the people who thereby became affected by that which is stated. I do not wish to put the evidence more highly than that ; but I respectfully ask your Lordships to say that it is admissible. I quite feel it ought not to be tendered without taking your Lordships' opinion whether you think those are the grounds upon which the evidence should be admitted.

(*The President.*) The Court is of opinion that this evidence is not admissible. I cannot assent entirely to the form of objection which Sir Charles Russell has taken.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

that this is not a question in which the general state of the country is to be taken into consideration, but I think that this is not the means by which we are to take evidence upon the general feeling of the country; and as it seems to be admitted that this "Kerry Weekly Reporter" is not in any way the representative of the Land League or National League party, it appears to me that the statements, merely because they are found in this paper, cannot be admitted as evidence at all for any purpose. I thought it was going to be shown that there was some such connexion, as appears to have been agreed that there was, with regard to the "Kerry Sentinel"; but in the absence of something not connecting the particular report with the individuals, I do not think that that is the way to show a connexion between a report contained in a paper and the Land League or the National League. I am of opinion that is not the way to do it.

14,131. (*Mr. Atkinson.*) You said that your father accompanied Mr. Hussey over these lands?—Yes.

14,132. Did you go to Ardbeg Bog?—Yes.

14,133. Had your father anything to do with the letting of turf or the cutting of turf in Ardbeg Bog?—Yes.

14,134. You also said your father did not attend the meeting of the League referred to in that letter of the secretary's?—No.

14,135. Was your father a member of the Land League?—No.

14,136. Do you remember, shortly after the receipt of that letter, or even before the receipt of it, after the visit of Mr. Hussey, seeing any change in the demeanour of the people towards you?—Yes.

14,137. What was it?—Oh, they would not work or do anything.

14,138. Work for whom?—For my father.

14,139. Were you able to buy food anywhere you wanted?—Yes.

14,140. Was anything done to you by neighbours as you met them in the road?—They passed me by and they would not speak.

14,141. People who you were accustomed to speak to before?—Yes.

14,142. In the month of July did this same Mr. Thomas Dawling, the secretary, come to your father's land?—Yes.

14,143. Was he accompanied by any persons?—Fourteen or 15 men with them.

14,144. Did you know any of those who accompanied him?—Yes.

14,145. Who were they?—The men who had adjoining places of their own were with him.

14,146. Were they farmers' sons or what were they?—Some of them were, and some of them were not.

14,147. What time of the day did they come?—About 7 o'clock in the evening.

14,148. What did Dawling do when he came there?—He went round the house and place; walked round with the men with him.

14,149. Did he say what he came for, what business he had?—No.

14,150. Did he remain long there?—About a couple of hours.

14,151. Did he then leave?—He did.

14,152. At this time was your father under police protection?—Yes.

14,153. When was he put under police protection. Was it after or before Mr. Hussey's visit?—After, sir.

14,154. Was it after or before your father got that letter of the 10th of June?—After getting the letter.

14,155. He was then put under police protection?—Yes.

14,156. Were police living in the house with him?—Two used to come by night.

14,157. And did they remain during the night?—Yes, until morning.

14,158. And then did they leave?—Yes.

14,159. On the 1st of August did your father employ some man to work for him?—Yes.

14,160. (*Sir C. Russell.*) The 1st of August 1887.

(*Mr Atkinson.*) 1887.

14,161. Did that man come to work?—Yes.

14,162. Did he afterwards leave?—He worked.

14,163. Later on, towards the end of the year 1887, did the people do anything to you as you were walking about your father's farm?—Yes, they used to be shouting

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

and booing as he would be passing through the farm, and whistling after him and hooting him.

14,164. Whistling after him and shouting to him?—Yes.

14,165. Who were these people?—His neighbours round.

14,166. Who had previously been on friendly terms with him up to the time of Mr. Hussey's visit; had these people that booed been on friendly terms with him?—Yes, they were on the best of terms.

14,167. Do you remember the morning of the 31st of March 1888, leaving your father's house in his company to go to the fair at Listowel?—Yes.

14,168. (*Mr. Atkinson.*) My Lords, I will read the proceedings in this case as reported in the "Kerry Sentinel" of the 28th of October 1887, which took place at a meeting of the Lixnaw Branch of the National League on Sunday the 23rd of the same month, Mr. M. J. O'Connor, vice-president, in the chair. A number of resolutions are passed, my Lords—"The case of Edmund Costello was then taken up, and evoked considerable interest, the following are the particulars as stated by Mr. Costello, 'On the 1st of October he and others attended Mr. Hussey's office in compliance with notice for payment of rent; he demanded an abatement of 25 per cent., but Mr. Hussey would only give 15 per cent. Mr. Costello declined to pay on these terms, and in the course of an argument which ensued, Mr. Hussey said he' (that is Mr. Costello I presume), 'was the source of great annoyance to him by the way in which he was harbouring and encouraging Edmund Fitzmaurice (an evicted tenant), Fitzmaurice was evicted in May last, and Mr. Fitzmaurice' (*sic*, Costello) 'has ever since shared his own roof with him, and given him every assistance in his power. He paid no rent on that day, but in the course of a few days he was served with a writ, and thus put to considerable cost. He is fully convinced that it is in revenge for the kindness he is showing Edmund Fitzmaurice that that writ was served upon him. Fitzmaurice's land had been grabbed by his brother James Fitzmaurice, and Mr. Hussey and James Fitzmaurice are anxious to have him out of the way.' Then Mr. Costello was highly applauded for his kindness to Edmund Fitzmaurice, and the following resolution was passed:—Resolved, that we hereby record our most indignant protest against the despotic and basely vindictive action of Mr. S. M. Hussey in serving a writ on Mr. Eugene Costello of one gale of rent, the sole cause for this infamous proceeding being that Mr. Costelloe has kindly afforded shelter to an evicted tenant, E. Fitzmaurice; and we again call upon the public to mark by every constitutional means, their disapprobation of the conduct of James Fitzmaurice, who has been so base and inhuman as to grab his brother's land."

(*The President.*) What are you waiting for, Mr. Atkinson?

(*Mr. Atkinson.*) I understood I was reading from the right date. It is a mistake upon my part if I have not.

(*Sir C. Russell.*) I hope the mistake will not occur again. I am told that this paper that my friend has, I am quite sure unintentionally, been reading from, is not the "Kerry Sentinel," which my friend thought and led your Lordships to suppose.

(*Mr. Atkinson.*) The "Kerry Seutinel" is in that volume, and I think I read from the "Kerry Sentinel."

(*Sir C. Russell.*) I cannot find it. 1886, is it not?

(*Mr. Atkinson.*) The 28th October 1887.

(*Sir C. Russell.*) It may be that it is a mistake, and they have handed the wrong one to me; they are both together, apparently. I think it is very likely you read the right one.

(*Mr. Atkinson.*) I am quite correct.

(*Sir C. Russell.*) You may be; what was opened to me and handed to me was the "Kerry Post."

14,169. (*Mr. Atkinson.*) Now do you remember leaving with your father that day to attend the fair at Listowel?—Yes.

14,170. Do you remember what was the date?—The 31st of January.

14,171. In the present year?—No.

14,172. 1887?—1887.

14,173. I think that is a mistake. Was it the January after the notice was served on your father to attend the League; it was after that, was it not?—Yes.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

14,174. And it was in the month of January ; it must be last January, was it not ?—
Last January.

14,175. How far is Listowel from the place where your father lived ?

(*Sir C. Russell.*) I want the date ; I have the 31st of March.

(*The President.*) There was a reference to the 31st of March.

(*Sir C. Russell.*) Yes, my Lord.

(*Mr. Atkinson.*) Yes, it was my mistake. The date in my brief is the 31st of
January.

14,176. About what hour in the morning did you leave ?—Half-past 4.

14,177. How did you go ; in what conveyance ?—A railing cart.

14,178. Who was on the cart ?—My father and I.

14,179. Were you accompanied by any police ?—Yes.

14,180. How many police accompanied you ?—Two.

14,181. Was it dark at this time ?—No, it was quite bright.

14,182. After you had proceeded some way on the road, did the police escort leave
you and return home ?—They did.

14,183. After the police had left you for some time, did you meet a man on the
road ?—Yes.

14,184. Did that man pass by you ?—He did.

14,185. And did he subsequently return with another ?—When we passed him he
turned back and looked after us.

14,186. And did he subsequently come back accompanied by another ?—He did.

14,187. And when the two came back what happened to your father ?—He was
walking ; he turned back to speak to them, and they fired at him and killed him.

14,188. And was he murdered ?—Yes.

14,189. Do you know the names of those men ?—I do.

14,190. What were their names ?—Donald Hays and Donald Moriarty.

14,191. Were they subsequently convicted and executed ?—They were.

14,192. Where did they live ?—One of them lived in Lixnow and the other lived in
Tralee.

14,193. While your father was on the road there, did any persons pass by you ?—
There did.

14,194. Was he lying on the road ?—He was lying up against the wall.

14,195. How many passed ?—Four or five cars passed, and a man, a neighbour of
ours passed.

14,196. Did they give you any assistance whatever ?—No.

14,197. Did the men stop ?—One of them turned aside and looked and said, " He is
not dead yet."

14,198. Did he then pass on ?—Yes.

14,199. Were you able to get a coffin to bury him in ?—Yes.

14,200. Through whom did you get it ?—We got it in the village of Lixnow.

14,201. Did you get it yourself, or did the police get it for you ?—We got it our-
selves.

14,202. Do you remember after you came home did you go to the Wicklow Assizes ?
—Yes.

14,203. To give evidence on the trial of these men for the murder of your father ?—
I did.

14,204. After your return home were you still under police escort ?—Yes.

14,205. Did the people still continue to treat you in the way they had done imme-
diately before your father was murdered ?—They did.

14,206. Do you remember on the second Sunday after the trial ; what was the date
of the trial, do you remember ?—I do not remember.

14,207. On the second Sunday after the trial did you attend your own parish church ?
—I did.

14,208. At Lixnow ?—Yes.

14,209. Do you remember when you entered the church whether any persons left it ?
—There did.

14,210. How many ?—50 or 60 persons left.

14,211. Who was officiating ?—Thomas Dawling.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

14,212. And was there another clergyman there. Did you see the Rev. Mr. Nolan, the other gentleman, endeavouring to induce those people to return into the church?—Yes.

14,213. Did they return?—Some of them did, but more did not.

14,214. Did any of them return?—A few returned.

14,215. The rest went away?—Yes.

14,216. Before your father's murder did you join the church at all. Before, were you able to go to church?—Yes.

14,217. Do you remember about the murder—between the murder and the trial, did you go to church at all?—No.

14,218. Why did you abstain from going?—I was afraid to go.

14,219. Do you know this Thomas Dawling, the secretary of the League. After your return from Wicklow, had you an interview with Dawling?—No.

14,220. (*Mr. Justice A. L. Smith.*) When was the Wicklow Assize?

(*Mr. Atkinson.*) The 26th of March was the exact date, my Lord.

14,221. Did you see Dawling interfering with the people in the chapel?—Yes, he got up and walked out before them.

14,222. He was one of those who walked out before them?—Yes.

14,223. Did you see him going about amongst them before they left?—Yes, he was going amongst them before they went into mass.

14,224. Did you hear what he was saying to them?—No.

14,225. You saw him, you say, going about amongst them?—Yes.

14,226. And when they left the chapel did they follow him?—They did.

14,227. As far as you could form an opinion, did he appear to be inducing them to leave, or influencing them to leave in any way?—Yes, he seemed to be going through the chapel and getting them to follow him.

14,228. Has this Dawling been subsequently convicted for endeavouring to intimidate you?—Yes.

14,229. You told us what occurred on the first occasion when you went to chapel after the Wicklow Assizes. Did you go again to chapel on another Sunday subsequently to that?—Yes.

14,230. How did the congregation behave to you on that occasion?—Most of them stayed outside, and the more of them would not kneel in any place in the chapel near where I was kneeling.

14,231. And those you say that did come in, they would not kneel where you were kneeling?—Yes.

14,232. Did that occur on another occasion, another Sunday?—Yes.

14,233. From that time, up to the time you left Kerry last, did the people still continue to behave to you in the same way?—The very same way.

14,234. No change whatever?—No.

14,235. Are you living in your father's house?—Yes.

14,236. What other members of your family are living there?—My mother and sister.

14,237. Have you any brother?—No.

14,238. The three of you, and none others there to protect you but the police?—That is all.

14,239. You are still under police protection?—Yes.

Cross-examined by Sir CHARLES RUSSELL.

14,240. Are you still living at Lixnow?—Yes.

14,241. Who is managing the place?—We have a man managing it.

14,242. I want just to try and understand this story, please; your father, James, and you uncle, Edmund, held a farm together?—Yes.

14,243. Of Mr. Hussey?—Yes.

14,244. And were both evicted?—Yes.

14,245. Was your father then put in as a caretaker of the entire farm?—He was put in as the caretaker of his own part of it.

14,246. And who was the caretaker of your uncle's part?—My uncle was he caretaker of his own part.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

14,247. He was put there as caretaker of his own part?—Yes.

14,248. And your father as caretaker of the part that belonged to him?—Yes.

14,249. When was the eviction, perhaps you can tell me when the eviction was. Tell us as nearly as you can, Miss Fitzmaurice, when the eviction was?—I cannot think, sir.

14,250. Was it in 1886?—I think it was in 1886.

14,251. You think it was?—Yes.

14,252. What time in 1886 was it, winter, spring, or the summer?—In the spring.

14,253. I am told it was somewhere about March 1886; may I take that to be so, about that time, about a year before Mr. Hussey came to pay the visit to the farm?—Yes.

14,254. Was Mr. Hussey's visit in reference to a road?—Yes.

14,255. Was there a dispute about a road through the bog?—There was.

14,256. Between whom was that dispute; was it a road that Mr. Hussey was seeking to stop up and prevent the people using?—No, but a new road he was making into the bog.

14,257. And closing up an old one?—He was not closing any one.

14,258. What was the dispute about the road?—He was only going along looking at it going into the bog.

14,259. You say there was a dispute about the road; what was the dispute about?—I do not know of any dispute about the road.

14,260. Well, I will pass on. In March 1887, your father agreed with Mr. Hussey to take the whole of the farm?—Yes.

14,261. Your uncle's and his own part as well?—Yes.

14,262. And the result of that was that your uncle Edmund was turned out?—Yes.

14,263. Of his part?—Yes.

14,264. And your father took possession of it all?—He did.

14,265. There were two farmhouses on it?—There were.

14,266. And Edmund was turned out of the farmhouse that he had lived in?—Yes.

14,267. How long had your family lived there?—For hundreds of years, sir.

14,268. And I suppose built the houses that were there?—Yes.

14,269. You say, at least I understood you to say, that Edmund declined to pay any share of the rent; were you there when he declined to pay any share of the rent?—No.

14,270. Then you do not know, of your own knowledge, anything about that?—No, but I heard them say it, that he would not pay it.

14,271. You heard it said?—Yes.

14,272. So far as your own knowledge goes, you do not know that to be true?—No.

14,273. When Edmund was turned out, did he go for shelter to the house of a man named Costello?—Yes.

14,274. Who took him in to give him shelter, in fact?—Costello.

14,275. Was Edmund a married man?—Yes.

14,276. With a wife and children?—Yes.

14,277. And did Costello take them all in?—He did.

14,278. Did you hear that Mr. Hussey complained of Costello for sheltering Edmund Fitzmaurice and his family?—I did.

14,279. How long had Costello lived in his land?—I could not say.

14,280. As long as you recollect?—No, he did not as long as that, he was not living in his land very long.

14,281. It is stated in the publication that has been read that Mr. Hussey, to punish Costello for sheltering your uncle Edmund and his family, served him with an ejectment; you heard that?—Yes.

14,282. And for a gale of rent?—Yes.

14,283. A gale of rent means, does it not, half a year's rent?—Yes.

14,284. Is that a usual thing to serve an eviction for half a gale of rent?—I do not know, sir.

14,285. Was it not a writ that was served on Costello, putting costs on him? Did not you hear that?—Yes.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

(*Sir H. James.*) I do not object to any hearsay about reputation, but when it comes to a document—a question as between one document and another—what the witness hears as to that would not be evidence. This is a mere question whether it was a writ, or whether it was another process—it is what she has heard.

(*Sir C. Russell.*) I do not care what it was, a process or a writ.

14,286. There was very bad blood, was there not, between your uncle and your father?—Some of it was good, and more of it was bad.

14,287. Some of the blood was good, and more of it was bad?—It is not that I mean, but the land I mean.

14,288. But there was bad feeling between your uncle and your father, was there not?—There was.

14,289. Your uncle complained, rightly or wrongly, that your father had taken his farm over his head?—Yes.

14,290. And the neighbours took the side of your uncle?—Yes.

14,291. I think you said also that your father had something to do with letting out the bog. Was he bog ranger?—No.

14,292. Then what had he to do?—Nothing.

14,293. I think you were understood to say—

(*The President.*) He walked over the bog, that is what she said; that is what I understood.

(*Sir C. Russell.*) I thought she said a little more, but perhaps I was wrong.

(*Sir H. James.*) No.

14,294. (*Sir C. Russell.*) Very well. Now I want to ask you this, and kindly give me your attention. Be sure you tell me what you mean about it. There were two men convicted and hanged for this foul murder of your father?—Yes.

14,295. Hayes was one?—Moriarty the other.

14,296. Was Hayes a shoemaker?—Yes.

14,297. In Tralee?—Yes.

14,298. Was Moriarty a man from Glenbeigh?—Yes.

14,299. How far is Glenbeigh from Lixnaw?—I could not say.

14,300. It is a great many miles, is not it 30 or 40 miles?—It is.

14,301. Or more. I do not know, I am told it is more than that. How long had Moriarty been at Lixnaw?—He was there a couple of years, I think.

14,302. And what was his business?—A labouring man.

14,303. I do not know whether you know or not, if you do not I will not at all press you, but is it not the fact that so far from Hayes and Moriarty being members of the League, that Hayes tried to break up the League in Tralee. Have you heard that?—No.

14,304. You do not know anything about it?—No.

14,305. Do you know that either one or the other of them was a member of the League?—No, I do not.

14,306. Will you look at the letter from Dowling. Kindly look at that letter. I do not know whether you can tell me, is that in the handwriting of Dowling or is it the handwriting of Quilter?—I think it is the handwriting of Quilter.

14,307. Not Dowling. Was Quilter the acting secretary?—An assistant.

14,308. I think you called him the assistant secretary.

(*Mr. Atkinson.*) He is described as such.

(*Sir C. Russell.*) Yes.

14,309. I am sorry to ask you, but I must ask you, was not Quilter a relation of your own?—Yes.

14,310. What relation?—He was my first cousin.

14,311. He had no ill feeling, had he, against your father, personally?—He had.

14,312. What for?—He would not speak to him in any place he would meet him.

14,313. When was that—after he had taken over the farm?—Yes.

14,314. Or before?—After taking it.

14,315. But up to that time there had been no ill feeling between them, had there?—No.

14,316. Then you mean to say he resented your father taking the whole of the farm?—Yes.

14,317. I think it has been said (we had better get the fact) that that man Quilter is dead?—Yes.

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

(*Sir C. Russell.*) I think my friend said so.

(*Sir H. James.*) Yes.

14,318. (*Sir C. Russell.*) One other question I do want to ask you. You said in reference to the letter which you received, of the 10th June 1877, which purports to be signed by Dowling, but which you say is Quilter's handwriting, that you saw something about it in the "Weekly Reporter" and in the "Sentinel"?—Yes.

14,319. Do you recollect you said that?—Yes.

14,320. Are you sure about the "Sentinel"?—I am not too sure, but I know I read it in the "Reporter."

14,321. You are quite accurate there, because we have been referred to it. You say you saw it in the "Reporter"?—Yes.

14,322. The resolution condemning your father's conduct?—Yes.

14,323. But do you say you saw that resolution in the "Sentinel," just think?—I see other ones in it. I see other resolutions in it.

14,324. You saw other ones in it?—Yes.

14,325. But I am asking you about this one referring to your father. Would you like to say you saw it in the "Sentinel"? You know what I am referring to, a resolution in 1887 which you were asked whether you saw, after you got that letter, your father not having attended in pursuance of the letter. You were understood to say you saw something about it after that letter; and after your father had declined to attend the meeting in the "Reporter" and the "Sentinel"?—Well, I do not remember seeing it in the "Sentinel."

14,326. I am putting it to you that it was not in the "Sentinel," you cannot say that is not correct?—Yes.

14,327. No, you cannot. Now in reference to this scene in the church where Dowling behaved in the manner you described, did I understand you to say that Father Egan?—Father Nolan.

14,328. I got the name wrongly. Father Nolan spoke strongly about it?—Yes.

14,329. And remonstrated with the people?—Yes.

14,330. And some came back, but you think that more went away?—Yes.

14,331. And did not come back?—No.

14,332. Now one other fact. You know this brutal murder occurred in January 1888?—In January 1887.

14,333. No, it is 1888. You may take it, it was 1888, last January. Did you know that there had been a proclamation by the Lord Lieutenant proclaiming and suppressing the National League in Kerry?—Yes.

14,334. The whole of Kerry?—Yes.

14,335. That was in the autumn of 1887, the year before the year in which your father was murdered?—In the year he was murdered in.

14,336. There were meetings continued to be held after that, were there not, notwithstanding that?—I do not know.

(*Sir C. Russell.*) My Lord, this murder having occurred on the 31st January, in the paper of the same day there is an article (the "Kerry Sentinel" of the 31st January, the evening of the 31st January, the day of the murder), which perhaps I may ask my friend to read.

(*Mr. Asquith* :)—

"Another deed of Blood.

"The news we have received of the brutal and foul outrage committed near Ahabeg this morning is very discouraging to those of us who had hoped that a better feeling was beginning to animate the parties who hitherto favoured crime in this county. In fact it is doubtful, after all, if the elements of crime and disorder do not exist still as strongly as ever, though it would not be fair to judge of this fact from an isolated case. One circumstance more disheartening and depressing than another to those who wish to see Kerry as free from crime as it once was, is the fact that the open and legitimate organization of the people which is permitted elsewhere, has been totally suppressed in this county; and, though there may be furtive gatherings of such organization in secret, it is patent that the influence of wholesome restraint cannot be as strongly exerted on the people as if they were allowed to meet in full light of day, where the more staid and responsible members of the community would have a chance of a hearing. Doubtless, English anti-National journals will make much capital out of this crime, and, as usual, attribute

21 Nov. 1888.]

NORAH FITZMAURICE.

[Continued.]

it to the League; but it must be borne in mind that the National League is, at least, technically suppressed in Lixnow as in all Kerry. It would be better than indulging in recriminatory phrases about these crimes if all fair-minded members of the community aided in an effort to stamp them out; but the people are taught a bad lesson when they see crime partially shielded or tardily exposed in certain other parts of this county. We hope, in all sincerity and with some trustfulness, that this will be the last of those terrible deeds of blood which have defamed this county."

(*Sir C. Russell.*) My Lord, there is also an article which appeared in "United Ireland." I am reading from its reprint it the "Kerry Sentinel" of Friday, 3rd February 1888, four days after the murder, the next issue after the murder. I cannot give your Lordship the date of the appearance of "United Ireland"; but I presume it would be about the same date, Friday or Saturday. It is headed:

"Kerry.
 "(From 'United Ireland.')

"Another Kerry Murder!"

"Unhappy Kerry, that once was one of the most tranquil and happy counties in Ireland, that now is the most turbulent and blood-stained, the prey of the moonlighter, the evictor, the coercionist. What is to be done with Kerry? Whose is the reproach of Kerry? Kerry is a problem which should make thinking men of all parties pause, and face to face with Kerry we should even hope that amongst our enemies there would be men who would give over screaming for a little, and strive with a sense of awe to find the truth. Here is Kerry, the most coerced, the most policed county under English rule. It is only a fortnight since Judge Murphy at the Cork Assizes, inflicted on some dozen moonlighters most terrific sentences—penal servitude for 25 years, penal servitude for 14 years, and so on. Hot foot upon these sentences comes the murder of unfortunate Fitzmaurice upon the high road at Ahabeg. Kerry has more police in proportion to its population than any county in Ireland, yet in Kerry there is most agrarian crime and most crime of any kind that is never detected. Last year Mr. Balfour's administration increased the immense extra police tax of Kerry at one bound by 4,000*l.*, yet crime only grows more desperate. The administration of Kerry grows more severe and more expensive. There is something rotten in the state of Kerry. Is it not time for even honest Unionists to ask how much of the rottenness consists in the administration whose oppressiveness and expensiveness advance with equal pace with the recklessness and immunity of crime."

Then follow a number of figures, the amount of this increased burden and its effect in irritating the population. I do not want to trouble your Lordship with all of it unless my friend desires it. The last sentence is this:

"Kerry is a conclusive verdict against English rule in Ireland. It must never be forgotten that Kerry was no always a country of evil fame. Ten years ago moonlighting was unknown there. Its history since then is, the history of English misgovernment in epitome. Population going down, cost of misgovernment going up; a peaceful county transformed into a scene of turbulence and crime, wholesale depopulation, wholesale coercion; and in the end nothing to show for it but a swollen extra police tax, moonlighting, Glenbeighs and Ahabegs."

Re-examined by Sir H. JAMES.

14,337. I think you told us this man Quilter was your first cousin?—Oh, yes.

14,338. Was there any other cause of quarrel between him and your father except this question of the farm?—No.

14,339. My learned friend has put it to you that your father took the farm?—Yes.

14,340. Let me see if I understand it rightly. I understand your father and your uncle occupied the farm jointly?—Yes.

21 Nov. 1888.]

NGRAH FITZMAURICE.

[Continued.]

14,341. And your father was willing to pay his rent, but your uncle was not?—
Yes.

13,342. Is it the fact that if the whole rent had not been paid your father would have been evicted?—Yes.

14,343. Then to save losing his part he paid the whole rent?—Yes.

14,344. Was it for that that Quilter was angry with him?—Yes.

14,345. That letter is in that came from him. You also told my friend that you saw some other articles in the "Sentinel" as well as in the "Weekly Reporter"?—
Yes.

14,346. Tell me, yes or no, did those articles refer to your father at all?—They did.

(*Sir C. Russell.*) She told me she could not say.

(*Sir H. James.*) No, she said some others, but I am not asking to prove it by this witness. If they are there they can be looked at. I have not had time to look at the whole article. I have no doubt my friend read all that is material.

(*Sir C. Russell.*) No, I do not profess to have read all that is material. The intermediate part I left out was chiefly conversant with the figures of the increased taxation.

(*Sir H. James.*) I will not comment upon it. I do not wish to occupy time. I may take it for the moment there is a great deal dealing with the Government, and it proceeds in this way, "Talk of Bulgaria under the Pachas and Bashi-Bazouks! beside Kerry under Balfour, with its extra police tax and its extra policemen, its emergency men of the field, and its emergency men of the judicial bench, its Adye-Cuirans, its Cecil Roches, its Sam Husseys, and its Darleys and Rees, its rack-rentings, its batonings, its imprisonments, and its evictions, Bulgaria was a model of freedom and good government."

Sergeant MICHAEL HARRIS sworn, examined by Sir H. JAMES.

14,347. Are you a sergeant in the Royal Irish Constabulary?—Yes.

14,348. I believe you are acquainted with the handwriting of this man Quilter?—
Yes.

14,349. Is that letter signed by Dowling written by Quilter, the assistant secretary of the League?—Yes.

(*Sir C. Russell.*) Purporting to be signed by Dowling?

14,350. (*Sir H. James.*) I say bearing the name of Dowling. Is the whole letter written by Quilter?—To the best of my belief.

(*Sir C. Russell.*) My Lord, I am told there is no doubt about it.

(*Sir H. James.*) If you please.

14,351. Were you stationed at Freemount on the 31st of January of this year?—
Yes.

14,352. How far is that from where Fitzmaurice lived? About four miles.

14,353. Did you upon hearing of the murder proceed to Lixnaw?—Yes.

14,354. And did you arrest Moriarty and Hayes who were afterwards convicted at Wicklow?—I arrested Moriarty.

14,355. Were you present at the trial?—Yes.

14,356. Were Moriarty and Hayes convicted?—Yes.

14,357. Did the last witness, Miss Nora Fitzmaurice give evidence against them?—
Yes.

14,358. In relation to identification?—Yes, she identified the men.

14,359. After that trial were you present at the chapel at Lixnaw on the 15th of February 1888?—Yes.

(*Sir C. Russell.*) I was intimating to my friend I quite accept this lady's statement. I think she gave her evidence without any bias, and I accept her evidence as to what took place at chapel.

(*Sir H. James.*) I am obliged to my friend, but I have a little more to prove. I will bear that in mind.

14,360. Were you inside the chapel whilst the mass was celebrated?—I was.

14,361. Did you see Thomas Dowling, the secretary of the Land League there?—
Yes.

21 Nov. 1888.]

MITCHAEAL HARRIS.

[Continued.]

14,362. Did you see him walk out of the chapel?—Yes, I saw him rise from his seat in the front, get up, and walk out.

14,363. At what period of the service? What appeared to cause him to get up?—Just at the first crossing of the mass.

14,364. Had Miss Fitzmaurice been in the chapel some time?—Yes, she had been there half an hour before that.

14,365. What occasioned him so far as you could see to get up?—I believe it was because Miss Fitzmaurice was in the chapel.

14,366. When he got up, about how many people do you think left the chapel?—About 60 or 70 people.

14,367. Where Miss Fitzmaurice was sitting, did the people come near to her?—No.

14,368. And has that condition of things remained from that time to this?—Yes.

14,369. Did the police keep close to her?—The police were on her right in the chapel.

14,370. On the 29th of April did you also go to the Lixnaw chapel and assist in protecting Miss Fitzmaurice?—Yes.

14,371. Did you see, then, on the chapel gate a notice, signed “T. Dowling”?—Yes; I found a notice signed by him.

14,372. What was that notice?

(*Sir C. Russell.*) Have not you got it?

14,373. (*Sir H. James.*) Have you got it?—I have not got it. I took it down, but I have not it now.

14,374. What became of it?—I gave it to a sergeant at the next station, named Flynn; but I know the contents of it.

(*Sir H. James.*) My Lord, I must pass on; I have not it for the moment. We must prove the loss, if necessary.

14,375. Was Dowling sentenced to imprisonment?—Yes.

14,376. What was that for?—For intimidating Miss Fitzmaurice.

Cross-examined by Sir C. RUSSELL.

14,377. That intimidation was that same act of leaving the church?—Yes.

Re-examined by Sir H. JAMES.

14,378. You gave the notice, I think, to Flynn?—Yes; I sent the notice to Sergeant Flynn.

(*Sir H. James.*) I will leave it there for the moment.

[Adjourned for a short time.]

(*Sir H. James.*) My Lords, I will put in the “Kerry Sentinel” of April 25th, 1888, in which there is a report of the proceedings before Captain Hussey and Mr. Cecil Roche, when Mortimer Dowling was charged with intimidating Norah Fitzmaurice. My Lords, the report goes into detail. The evidence that was then given is set out. I only seek to put it in for one purpose. I am not here to contend that all that the papers states here would be evidence. I only put it in for the purpose of showing the fact, that intimidation was alleged to have been used, and that the evidence given in support of it, was brought to the knowledge of the proprietor of the paper. Then, my Lords there is the observation of course to be made: it is proof of the negative; and it is but frank that I should state this to my friend, that observation is to be made. There was no condemnation at any time of the intimidation.

(*Sir C. Russell.*) That is speech.

(*Sir H. James.*) No, I beg your pardon, it is no speech at all. If there is condemnation of certain things proved, then also I think it is right to say there is condemnation of other things. That is a negative. I can only put it, not by putting in a lot of papers and having them read, but saying that the papers are here, and that there is no condemnation in them.

(*Sir C. Russell.*) I think your Lordship’s will say that it is not admissible upon any ground that my friend has sought to put it in.

21 Nov. 1888.]

MITCHELA HARRIS.

[Continued.]

(*The President.*) I thought you had admitted a report of the "Kerry Sentinel."

(*Sir C. Russell.*) Certainly, but not for the purpose of proving the facts.

(*The President.*) I do not say it is proof of the facts,

(*Sir C. Russell.*) And, as far as I have admitted it, it only related to an editorial expression, or the reports of the Land League branches. This is a report of a case.

(*The President.*) I have not got it, let us see what it is.

(*Sir C. Russell.*) It is a report, my friend has stated correctly, enough of the hearing —

(*The President.*) It is a report of the proceedings before the justices.

(*Sir C. Russell.*) On the charge of intimidation.

(*Mr. Justice A. L. Smith.*) I thought the "Kerry Sentinel" was owned by Mr. Edward Harrington.

(*Sir C. Russell.*) Yes.

(*Mr. Justice A. L. Smith.*) Then why is it not evidence against him?

(*Sir C. Russell.*) Why is it evidence against him, my Lord?

(*Mr. Justice A. L. Smith.*) We are only discussing it.

(*Sir H. James.*) May I mention again, my friend in cross-examination, or virtually in cross-examination, put in articles of the "Kerry Sentinel" condemning outrages. Now, we seek to show that there is no condemnation of the intimidation and boycotting of Norah Fitzmaurice. That of course is negative, and is not part of our proof; but I do not wish it to be said that Mr. Harrington never heard of the intimidation, and that therefore there is no condemnation.

(*Sir C. Russell.*) My friend may take it that Mr. Edward Harrington knew that Daniel Dowling was charged with intimidation.

(*The President.*) Now you make that admission there is an end to it.

(*Sir C. Russell.*) It is right to say, that though my friend says there was no condemnation at the very time, I am informed there was an appeal from the decision of the magistrates.

(*Sir H. James.*) My Lords, our statement is that there has been no condemnation of intimidation.

(*Sir C. Russell.*) My friend gives me notice that he also charges these people not only with what they have done, but with what they have not done. If he alleges they have not done a particular thing, and we allege they have, undoubtedly have to show it.

(*The President.*) Yes; but there is an end of it now.

Head Constable WILLIAM IRWIN recalled, further examined by Sir H. JAMES.

14,379. We know you have been called before, but repeat what position you occupied?—Head constable,

14,380. Were you acquainted with Michael Quilter?—Yes.

14,381. What is his name?—Michael J. Quilter.

14,382. Does he reside at Ahabcg, at Lixnaw?—He did so, at Lixnaw.

14,383. Did he upon the 18th of August 1888 make a statement to you?—He did.

14,384. Your Lordship is aware it has been proved that he was assistant secretary to the League?—He told me so.

14,385. Did you take down what he said to you?—I took down what he said, word by word.

(*Sir C. Russell.*) I would ask your Lordship again about this. I agree that anything he does, he having been shown to be the secretary of the League, anything which he does in that character, I quite admit may be taken to be evidence for the purposes of this case, but surely my learned friend is at least bound to lay some foundation for this. Is any casual conversation which Mr. Quilter carried on, or in which he expressed some opinion, is any casual conversation with any man admissible in evidence? I submit not. My learned friend is bound in the first instance to show some foundation for it, and the character which he charges.

(*Sir H. James.*) That only goes to the degree of the value of the evidence, and not to its admissibility. At present it stands, and has not been dispossessed, that he was assistant secretary of the League at the time he made the statement. That is not matter relevant that I should put in. It is not a conversation, but a statement of

21 Nov. 1888.]

WILLIAM IRWIN.

[Continued.]

certain facts at the time he was in this position that he occupied, which was that of assistant secretary to the branch, and I submit to your Lordship, though we can prove the man dead, whether alive or dead it would be admissible, and that it would be impossible to give evidence in any other way if the man is dead.

(*Sir C. Russell.*) As far as the man being dead it makes no difference in point of law. The question is this, the man is shown to be holding a certain official position, as it is alleged, as secretary of this League. That we will assume to be the fact. Is every statement that that man makes admissible in evidence? If he makes a statement which the prosecution thinks has reference to the Land League, or to the doings of the Land League, I want to test it by putting it to your Lordship. Surely it must be shown that he has done it in some sense in his character or office as secretary of the League.

(*The President.*) Still, consideration ought to be made for the fact that this tribunal is composed solely of legal members. It is very necessary, no doubt, when there is a jury that everything should be done with the greatest strictness, so as to prevent anything that is not properly evidence being brought to the knowledge of the jury. That does not appear to me to be necessary in such a case as this tribunal; but it seems to me impossible to deal with it at the stage at which Sir Charles Russell asks us to deal with it. This is an official of the Land League. I quite agree that all he says is not evidence against all the other persons who are charged; but it is impossible for us to say beforehand we will not allow evidence to be given of what an official of the Land League stated. If it should turn out to be something that is properly characterised as merely casual conversation, we shall pay no heed to it; but we must admit it in evidence before we can say whether it has any bearing or not; always assuming that Sir Henry James would not put it forward unless he does it in a character which makes it admissible in evidence; but until we know what it is we cannot exclude it, that is all.

14,386. (*Sir H. James.*) Will you read from your note what it was that he told you?—"I am 26 years of age. I became assistant secretary of the Lixnaw branch of the National League on the 15th August 1886. The Rev. Thomas Nolan—

14,387. (*The President.*) How came you to take this; on what occasion?—I took it on the 18th of August.

14,388. What was the occasion of your doing it?—I was on duty in county a Kerry, my Lord, and I met this man previously, and he expressed a wish to see me; he said that he wanted to see me, and I went to his place there on the 18th of August.

(*The President.*) Of course, as I say, I cannot tell what it is. This does seem to me to lead up to this sort of position, that he is making a statement adverse to the League.

(*Sir H. James.*) My Lord, it is a statement of facts of what occurred.

(*Sir C. Russell.*) What he said.

(*Sir H. James.*) If it is a statement of fact it must be what he said. If it is a statement that is so, he at the time being secretary, he says, "I will tell you about this," and he did.

(*Sir C. Russell.*) I say the fact of this man being dead makes it all the stronger.

(*Sir H. James.*) It cannot touch the admissibility of the evidence, as you said.

(*Sir C. Russell.*) You see this statement now, which comes out in answer to the President, makes it clear he was not doing this, whatever it was. I do not know anything about it, but that it was not done by the branch, and he was not doing it in the character of secretary at all, but making some statement apparently adverse.

(*Sir H. James.*) Your Lordship sees he had written this letter. What I was about to say to you as to its admissibility is, here is a man who is known to have written this letter purporting to be signed by a person of the name of Quilter, who is assistant secretary, and he writes that, and there is reference to that act, and he makes this communication.

(*The President.*) We are of opinion that it is not admissible in evidence dealing with it upon the principle, it should be in an inquiry of another kind. Statements made by an officer of the Land League in the character of an official of the Land League might, and I think would be, evidence; but it has been held that the statements made by a person charged with conspiracy in the nature of a confession or statement of his own doings is not admissible in evidence. This seems to fall within that rule, and, therefore, unless it can be carried further than would appear in the case from the

21 Nov. 1888.]

WILLIAM IRWIN.

[Continued.]

introductory answers given by the witness to my questions, we think it must be excluded.

(*Sir H. James.*) If your Lordship pleases.

(*Sir H. James.*) My Lord, in relation to the last case, I have found a paper which I could not find before. I wish also to put in evidence a copy of the "Kerry Sentinel" of April 7th, 1888. That is a statement showing that Moriarty, one of the accused persons, made a confession of his guilt. It is still upon the point of no condemnation of intimidation. I only put this in to show that in the "Kerry Sentinel" appears the fact that Moriarty had confessed his guilt.

(*Sir C. Russell.*) He was hanged for it.

(*Sir H. James.*) Not for confessing it.

Mr. MAURICE LEONARD sworn, examined by the ATTORNEY-GENERAL.

14,389. I think you are a justice of the peace for Killarney?—Yes, in the county of Kerry.

14,390. Were you agent for Lord Kenmare?—Yes, since the 1st of January 1886.

14,391. How long have you lived in the county of Kerry?—All my life, except when I was at school.

14,392. How old are you?—36.

14,393. What were you doing from 1870 up to 1886?—I was bound to Mr. Hussey in March 1875, and I was assistant agent on Lord Kenmare's estate under Mr. Hussey from the 1st of November 1876, up to the 31st of December 1885.

14,394. What I wanted to get from you was, that either as artiled or as assistant agent you were acquainted with Lord Kenmare's estate from the year 1875?—From the 1st of January 1876.

14,395. That is near enough for my purpose. Where did you live?—In Killarney.

14,396. Are you acquainted, at any rate as far as public acts are concerned, with the doings of the Land League and National League during the time that the Land League and National League were in force in the county of Kerry?—Yes, I made it part of my duty to know all about them.

14,397. I want, please, to take you first to a period before the year 1880 or the year 1881. Before 1880 or 1881, had you ever heard or known of persons being punished for paying rent?—No, not until after The O'Donoghue and Mr. Parnell held a meeting at Listry in 1881.

14,398. Had you ever heard of any persons being punished for taking an evicted farm?—Not until after the No Rent Manifesto in 1881.

14,399. (*Sir C. Russell.*) When was that meeting held?—In the spring of 1881 at Listry, near Beaufort.

14,399a. (*The Attorney-General.*) I am giving the year 1880 as a dividing line for a certain reason. Had there been before the end of 1880 or beginning of 1881 any organisation in Kerry against the payment of rent?—No.

14,400. Had there been any organisation against the taking of evicted farms?—No, up to the 9th of January 1880. The O'Donoghue held a meeting in Killarney on that date.

14,401. Prior to that meeting at Killarney, when The O'Donoghue spoke, had you been able to let evicted farms?—Yes, and caretakers would mind them without protection.

14,402. I do not know whether you know, but had there been cases of what I might call private quarrels about land which had come to your knowledge from time to time?—Oh, yes, I have heard of private quarrels between tenants about land.

14,403. Had you ever heard of any combination or organisation to punish persons in any way, boycotting or otherwise, before the beginning of the year 1880 because they had taken evicted farms?—No.

14,404. Was the expression landgrabber a known expression as far as you know before the beginning of 1881?—Not until the year 1885 to my knowledge.

14,405. You are speaking of your district in the county of Kerry?—Yes.

14,406. Then I may take it that prior to 1880 or 1881 you had never heard of tenants being denounced?—No.

14,407. As landgrabbers or anything of that kind?—No.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,408. I want to put one other general question to you. Had you ever heard before 1880 or 1881 of secret societies committing outrages upon people because they paid their rent?—No.

14,409. Or of secret societies committing outrages upon people because they had taken evicted land?—No.

14,410. What was the condition of the part of Kerry where Lord Kenmare's estate was up to the end of 1880 and beginning of 1881, as far as crime was concerned?—There was no crime.

14,411. There had been distress, had there not, in parts of Kerry?—Yes, in November and December of 1879, and January, February, and April of 1880 there were people blue with hunger.

14,412. Had there been prior to the date you have already mentioned any development of abnormal crime, or anything to show the place was in other than a peaceful condition?—No.

14,413. Now, with reference to crime, I must ask you, before I go into detail, did you find in subsequent years the crime and outrages to which you referred or will refer were confined to districts where there was great distress, or that it went also to places where people were well off?—I beg your pardon.

14,414. Did you find that crime was confined to places where there was great distress, or was there also crime in places where people were well off?—Where people were well off, I think.

14,415. Speaking generally, did you yourself in your personal experience notice any coincidence between the Land League and crime with regard to point of time?—Certainly.

14,415a. Just state what?—In 1881, when the Land League was established, especially in the Rathmore district, crime commenced there?

14,416. Was there any period when it stopped?—When the Coercion Act was passed, in the latter end of 1882, it stopped?

14,417. Up to what time did the improvement continue?—It continued from 1882 up to about the 1st of September 1885; and upon that date Mr. William O'Brien, M.P., and Mr. Healey, M.P., Mr. Edward Harrington, M.P., and an American Roman Catholic clergyman came to Killarney and made violent speeches there.

14,418. After that time in 1885, were there any meetings of the National League?—Oh, yes.

14,419. I will go into detail afterwards. Did you find any change in connexion with crime and outrage, after the National League had begun its meetings, as compared with the intervening period from 1882 to 1885?—Yes.

14,420. In your district, speaking of Lord Kenmare's estate, as far as you know prior to the beginning of 1881, had there been any outrage in respect of payment of rent?—No.

14,421. Or any outrage in respect of taking an evicted farm?—No.

14,422. I do not want you to refer to the papers themselves, because I can put those in afterwards. I just ask you, by your own recollection, to fix certain dates. Do you remember a Land League meeting at Listry?—I saw them going to it.

14,423. I think you have mentioned it?—Yes.

14,424. What date was that?—In the spring of 1881.

14,425. Do you remember the actual day?—I could not. It was reported in this "Kerry Sentinel," I know.

14,426. (*The Attorney-General.*) I think I may take it by report of the "Kerry Sentinel" of the 4th July 1881. That will fix it?—I know it was reported in the "Kerry Sentinel."

14,427. Did it come to your knowledge in that district that any Land League Court was being held?—Yes.

(*Sir C. Russell.*) Was he there?

(*The Attorney-General.*) No, I am going to ask him in a moment, if you will pardon me for a moment.

(*Sir C. Russell.*) Will you ask him?

14,428. (*The Attorney-General.*) It is clear from my question. I said come to his knowledge. How did it come to your knowledge?—I heard the tenants talk about them.

14,429. Do you know whether any of the Land League Courts were reported in the

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“Kerry Sentinel” ?—Yes ; I have read several times in the “Kerry Sentinel” their reports.

(*The Attorney-General.*) I will call attention to the dates. I do not want to put in the papers at the present moment. 7th January 1881, 4th February 1881, 8th February —

(*Sir C. Russell.*) That is before the proclaimed meeting ?

14,430. (*The Attorney-General.*) He said January 1881, the report of the Listry meeting ?—It was in the spring, my Lords.

(*The Attorney-General.*) I may have spoken indistinctly and said July. I daresay I did. I daresay it is my fault. Will your Lordships kindly correct that. I ought to have said 4th January ; that is the report of it in the “Kerry Sentinel.”

14,431. You say that in the spring of that year besides what was told you by the tenants, you saw notices of courts held ?—No, in the latter end of 1881.

(*Sir C. Russell.*) Am I to strike out those dates ?

(*The Attorney-General.*) No, you will find they are correct.

14,432. (*Sir C. Russell.*) You heard them in the end of 1881 ?—I heard them in the end of 1881, in October and November 1881.

(*The Attorney-General.*) Will you please tell me without going into great detail what the tenants said to you with reference to any of these courts ?

(*Sir C. Russell.*) I ask your Lordship is that evidence. Upon what possible ground can it be evidence, what the tenants said to him as to these land courts ?

(*The Attorney-General.*) In the course of this gentleman’s business, it was his duty to collect rents, and have business transactions with the tenants in regard to the payment of their rents. In the course of receipt of rent or nonpayment of rent, statements are made to him accompanying the doing of the act, that is to say, the refusal to pay rent, or the inability to pay rent. I submit to your Lordship it is admissible. I will take this case, I shall detail instances presently in writing. Suppose a tenant said, “I am afraid to pay you anything, I shall be taken before the Land League Court,” I submit to your Lordship I should be entitled to prove the tenant did not pay, and said he did not pay, because he was afraid, and was afraid of going before the Land League Court. The weight of that evidence, of course, will be a question afterwards.

(*Sir C. Russell.*) My friend is not meeting my objection at all. If he mention any such case, accompanying an act, when a man made a statement, your Lordships have admitted that class of evidence and I have not objected.

(*The President.*) Yes, that is so.

(*The Attorney-General.*) I only wish to say one word more if your Lordship will bear with me for a moment. I am, of course, going to refer to detailed instances, but I submit I was also within the same ruling when I proposed to prove in this way the condition of the country. I propose to prove there was a terrorism actually extending and overshadowing the whole of this district, by reason of the action of the Land League Courts. I know it may be said to me, “You ought to call every single tenant who made any expression of any such opinion,” and it may be, though I do not suppose your Lordship would, in one view, your Lordship might say I could not give the evidence without that. I respectfully submit to your Lordship that in order to prove the condition of the neighbourhood, I should be entitled to ask a gentleman in this position to give general evidence as to statements made to him by the tenants.

(*Sir C. Russell.*) What it will come to is this. This gentleman is in his office on a market day. Tenants come in to discuss matters with him or talk matters over with him, and they either state what is true or invent something for their own purposes to state to the agent as an excuse. Is it seriously to be said that kind of gossiping information is evidence for any purpose ? My friend will talk about the state of the country.

(*Mr. Justice A. L. Smith.*) I thought you admitted if it was a statement accompanying an act it was admissible.

(*Sir C. Russell.*) I do, but I am talking of what my friend proposes to ask about, the general question whether tenants have done this, and whether they have done that. Your Lordship will see what I venture to point out is the clear injustice of that. How can we test or define these vague and general statements ? If it is confined to what is the proper rule of law, as I submit, the case of tenants making statements as part of or accompanying acts or a reason for a definite course of conduct on their part, then we

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

have the means of checking and following out the accuracy of that case and testing it, but how can we test general statements.

(*The Attorney-General.*) I would only respectfully point out to your Lordship that my learned friend has been asking from all the witnesses, I admit in cross-examination, himself referring to statements of the most general character, I do not want to argue the matter further.

(*Sir C. Russell.*) I shall not in the least object, and I have not objected even to my friend's asking his witnesses, if he chooses: "Do you believe that the Land League was the cause of every crime committed in the country?"

(*The President.*) No, no.

(*The Attorney-General.*) I never suggested anything of the kind.

(*Sir C. Russell.*) I beg your pardon, you put questions of that sort.

(*The President.*) That is not a real concession; but, however, we are of opinion the evidence must be confined, as it has been hitherto, except in cross-examination, to statements made by persons accompanying their acts. If, when a tenant is asked to pay rent he gives as his reason for not paying, this, that, and the other, he may be asked that, but beyond that, I think general statements made by the tenants are not admissible.

14,433. (*The Attorney-General.*) Now I will take you to certain specific cases, and ask you to refresh your memory from time to time by reference to documents in reference to them—do you remember the case of a man named Michael Cullinane?—Yes.

14,434. Speaking generally, what had been the relations between you and the tenants on Lord Kenmare's estate, prior to the Land League meetings?—They were very good.

14,435. I asked you whether you remembered the case of Michael Cullinane, who was evicted?—Yes, Michael Cullinane of Ardwainig.

14,436. Will you tell us the facts with regard to Michael Cullinane before I refer to any action taken or anything that happened?—There were three brothers in possession of the holding. We found it necessary in 1881 to bring an ejectment against the lands and to execute the ejectment. After it was executed the three tenants came in, and an arrangement was come to that Michael Cullinane, who was the wealthiest of the three, should take the whole farm, and that his brothers were to remain in their own holdings, but pay the rent to Michael. Shortly after that Cullinane came in to me with his ears all slit.

14,437. (*Sir C. Russell.*) Which of them?—Michael, and blood dropping from his neck. He alleged that he had been attacked by moonlighters and the outrage committed on him.

(*Sir C. Russell.*) This again is hearsay. This is not admissible.

14,438. (*The Attorney-General.*) At any rate, as far as you were concerned, did you know anything against the man, except that he was occupying the farm under the circumstances you have mentioned?—Certainly not.

14,439. What is the name of the place?—Ardwainig.

14,440. About that time were any notices posted about the taking of land?—Oh, yes, in the Killarney district, but that was in the Farranfore district. Ardwainig is in the Farranfore district.

14,441. Will you tell us any notice you yourself saw? I do not know whether you have it here?—Yes.

14,442. With reference to the non-taking of land?—Yes, when the No Rent Manifesto was circulated in 1881 we had occasion to issue—

14,443. Pardon me for one moment, there is one other question that I ought to have asked. Do you know from anything in the paper, the "Kerry Sentinel," or from anything that came to your personal knowledge, whether Cullinane's case had been before the Land League?—Oh, the Land League was in force then.

(*Sir C. Russell.*) That is not the question.

14,444. (*The Attorney-General.*) Do you know whether Michael Cullinane had been before the Land League, whether there had been a trial?—Oh, he was; he told me he was.

14,445. Did he say anything to you about the Land League when he came to you when his ears were cut?

(*Sir C. Russell.*) What was the act accompanying this statement?

(*The President.*) He has his ears slit. You may give some account of how he came by it.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,446. (*The Attorney-General.*) Just tell us what he said to you?—He came into the office and he said, “Look what the boys have done to me for taking the farm, sir.”

14,447. You said just now he said to you something about the Land League?—Oh, yes, he reported to me he was summoned before the League.

(*Sir C. Russell.*) Again is this the same occasion.

14,448. (*The Attorney-General.*) Was it the same occasion that he showed you his ears that he told you he was summoned before the Land League?—I am not quite sure, but I think it was afterwards.

14,449. Do you remember the case of John Cuirnane?—Yes.

14,450. Is it the same man as Cullinane?—No, a different man altogether.

14,451. (*Sir C. Russell.*) Cullinane is of Ardmainig?—Yes.

14,452. (*The Attorney-General.*) Do you remember the case of John Cuirnane?—Yes, of Dromanhegmon.

14,453. Was that in the Killarney district?—Yes, in the Killarney division of the property.

14,454. What had happened to John Cuirnane?—He was able to pay his rent and we found it necessary to take proceedings against him. The League defended the proceedings.

14,455. (*Sir C. Russell.*) How do you know that?—Mr. Brodrick, their solicitor, told me so.

(*Sir C. Russell.*) Really, really.

14,456. (*The Attorney-General.*) Did Mr. Brodrick defend Cuirnane?—He did.

14,457. Was Mr. Broderick, the solicitor who acted for the Land League, there?—So he informed me.

(*Sir C. Russell.*) Well, well.

(*The Attorney-General.*) Of course, Mr. Broderick will be?

(*Sir C. Russell.*) No, no.

14,458. (*The Attorney-General.*) What was the gentleman's name you mention?—Mr. Broderick, of Tralee. He took the defence of the action.

14,459. (*Sir C. Russell.*) Of ejectment?—No, on a writ it was. I think it was on a writ.

14,460. (*The Attorney-General.*) Was Cuirnane evicted?—Ultimately.

14,461. After his eviction were any notices put up with reference to taking land?—Yes, this was the first threatening notice that we got.

14,462. Just read it please?

(*Sir C. Russell.*) Where did he get this?

(*The Attorney-General.*) Where did you get it from? Sir Charles wishes to know.

(*Sir C. Russell.*) Will you ask him?

14,463. (*The Attorney-General.*) By all means?—My bailiff took it off the market place in Killarney.

(*Sir C. Russell.*) How do you know that?

14,464. (*The Attorney-General.*) It was brought to you at the time?—It was, a few days after the eviction.

14,465. It was a few days after the eviction of Cuirnane this notice was brought to you?—Yes.

14,466. Just read it please?—“To the farmers of Kerry. Take notice that you will not propose to Mr. S. Hussey for the lands of Dromanhegmon, near Killarney, at your peril.”

14,467. Was that the same place from which Cuirnane had been evicted?—Yes.

14,468. (*Sir C. Russell.*) Is there any date on the notice?—There is no date, Sir Charles.

14,469. (*The Attorney-General.*) However, you say that was brought to you within a few days after the eviction of Cuirnane?—Yes.

14,470. Do you remember a transaction of a hut for a Mrs. Murphy?—Yes.

14,471. Will you just explain to their Lordships what happened about that?—In the “Freeman's Journal” of the 24th August, I think, 1881, I read one night that Mr. Sexton was sending down a Land League hut for the erection of Patrick Murphy on the following Sunday.

14,472. What you are referring to is this, it came to your knowledge, truly or not, that it was reported that Mr. Sexton, the Member of Parliament, had said the hut was coming down?—Yes.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,473. Will you tell us what had happened before with reference to Murphy?—On the 11th October 1879 Murphy came in to me and asked me to bring an ejectment for nonpayment of rent against his farm, as a man named Eugene O'Callagan had sold out his interest and gone into possession.

14,474. (*Sir C. Russell.*) Asked you to bring an ejectment against Murphy?—Against his holding.

14,475. (*The Attorney-General.*) Against Mr. Murphy?—As O'Callagan had sold out his farm and gone into possession.

If you would only let me put the question instead of keeping up this rambling comment I will get every fact you want.

14,476. Possession had been taken under a sale?—Yes.

14,477. At the instance of a creditor named O'Callagan?—Yes.

14,478. And Murphy wished to get back again?—Yes.

14,479. Had Murphy paid any rent?—No, he only owed 12 months' rent, and when the ejectment came before the county court judge he dismissed it with costs, as the ejectment was brought at the request of Murphy.

14,480. At the request of the tenant?—Yes.

14,481. What happened then?—At Murphy's request then I brought a Dublin ejectment.

14,482. That is a superior court ejectment?—Yes.

14,483. Was judgment given?—Judgment was given and possession was taken on the 11th of December 1879.

14,484. By whom?—By the sheriff.

14,485. What happened to Murphy?—O'Callagan and Murphy were put out and Murphy was reinstated back as caretaker.

14,486. Up to that time had what you had done been done at Murphy's request, and had there been any quarrel of any kind between you and Murphy?—Not at all. It was solely done at his request.

14,487. Murphy being back as caretaker, what happened next?—He remained in as caretaker then until after the six months' redemption had expired, and facts coming to my knowledge that he was agitating in the district, I called upon him to pay up, redeem his land, and he did not do so.

14,488. What was he agitating about?—Against the payment of rent.

14,489. He did not redeem his land, and what happened then?—Then I re-let the farm. Then when he did not redeem it I re-let the farm to a man named Lye, who paid 120*l.* fine for it.

14,490. What happened then?—I brought a caretaker's summons against Murphy, and my bailiffs and a young assistant, named Perrot, went to execute it. They met with every resistance, hot water, &c.

14,491. (*Sir C. Russell.*) Were you there?—No, except it was what they reported to me.

14,492. (*The Attorney-General.*) It was reported to you that they met with resistance?—Yes.

14,493. I must put a question I ought to have put earlier. Had you before 1881 had to carry out any evictions?—Yes.

14,494. Had you ever before 1881 been met by barricaded houses?—No, never. The sheriff used to go with only a bailiff with him, no police or anything.

14,495. Had there ever been then, as far as you know, prior to the Land League agitation, any organised resistance to the execution of the sheriff's writs?—Never.

14,496. What was the next thing that happened to this holding of Murphy's?—The bailiffs got instructions from me to take out the doors and windows to prevent Murphy retaking possession, and I am informed that when they were proceeding to do so Mrs. Murphy turned round—

(*Sir C. Russell.*) No, no.

14,497. (*The Attorney-General.*) I will not ask you anything further. A statement was made to you. Was the house burnt?—Yes.

14,498. Without your knowledge or without your consent in any way?—Certainly.

14,499. Quite independently of any action of yours or on behalf of Lord Kenmare?—Certainly; we never knew a word of it till the police reported it at 8 o'clock at night.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,500. Now I want, please, to follow up this hut. Where did they try to put the hut up first?—They wanted to put it upon a road of Lord Kenmare's, on the following Sunday after the reported meeting of the League in Dublin.

14,501. The following Sunday after the report the hut did come down?—It did come down, yes.

14,502. (*Sir C. Russell.*) That would be after the 24th of August?—Yes, the following Sunday, Sir Charles.

14,503. (*The Attorney-General.*) They tried to put it on a road?—Yes, 500 people went there, and Mr. Edward Harrington, M.P., was there also. The authorities sent about 200 troops to protect the peace. I took out about 60 labourers to prevent them erecting the hut on the road, and we hunted them off two roads. Then they built it on Daly's Farm.

14,504. I want to take it as shortly as I can. What I want to know is this. Mr. Harrington, and some 500 persons, or a large number of persons, were there with a view of erecting a hut?—Yes, each man carried a pole—a portion of the hut.

14,505. You, on behalf of Lord Kenmare, with the assistance of the police, prevented the erection of the hut on Lord Kenmare's private road?—No. I, with the protection of 60 labourers, prevented the erection.

14,506. They put it, or tried to put it, on the land of a man named Daly?—Yes.

14,507. Did Daly consent or resist?—He resisted to a certain extent, but they ultimately built it on it.

14,508. What happened then?

(*Sir C. Russell.*) What is Daly's name —William Daly, of Dromreag.

14,509. (*The Attorney-General.*) Did anything happen to him?—He pulled it down after they dispersed, and a few nights afterwards he was raided and a chop of his ear was cut off.

14,510. Do you know the fact?—Yes, I do. A chop of it was cut off, just a small chop of it at the top of his ear.

14,511. It is not imagination?—Not at all. His ear is to be seen yet.

14,512. Daly had put off the hut which these men had erected by force upon his land?—Yes.

14,513. Whether it be a great or small attack upon Daly, do you know of anything he had done, except this hut being erected?—Oh, not at all.

14,514. Do you remember anything happening at Rathmore at this time?—Oh, yes, I do.

(*Sir C. Russell.*) Is this the end of Murphy's case?

(*The Attorney-General.*) The end of that part of it, yes.

14,515. Did anything happen at Rathmore?—Yes.

14,516. What?—Poor John O'Keefe, of Lisheen, paid his rent on the 25th of October 1881.

14,517. Did anything happen to him?—Yes.

14,518. If so, at what time?—On the 27th of November 1881 he was raided, and the calves of his legs blown away.

14,519. Do you mean by shot?—Yes.

14,520. Mrs. Godfrey, do you remember anything happening to her?—Yes. Mrs. Godfrey reported to the office that she was attacked for paying her rent, by letter.

(*Sir C. Russell.*) Well, well.

14,521. (*The Attorney-General.*) Have you got the letter there?—Yes.

14,522. Produce it, please. Just read it, please. Who is it to?—It is directed to Mr. Hussey, but she has not put Mr. Hussey's name to it.

(*Sir C. Russell.*) How is this evidence?

(*The Attorney-General.*) I propose to ask. I should have thought it was exactly within the decision.

(*Sir C. Russell.*) Have you read the letter and seen whether it is accompanying any act?

(*The Attorney-General.*) Will you just read the letter.

(*Sir C. Russell.*) No; I am objecting to the reading of the letter till you have satisfied yourself it comes within my Lord's ruling.

14,523. (*The President.*) Mrs. Godfrey was tenant?—Yes, my Lord.

14,524. On property of which you had the management?—Yes.

14,525. Is she living?—Yes.

(*The Attorney-General.*) I do not think that particular letter does accompany an act done. I therefore will not press that particular letter. I have several others.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,526. Before I leave the case of John O'Keeffe, had he been a tenant on the farm for long?—Oh, yes.

14,527. A respectable man?—A most respectable old man.

14,528. Paid his rent previously regularly?—Regularly; and up to the present day he has always paid his rent most regularly.

14,529. Except interfering with payment of rent, do you know anything against that man?—No.

14,530. Or ever heard of any private vengeance or anything of that sort?—Certainly not, he is a most respectable man.

14,531. Do you know anything about the case of the two Cronins?—Yes.

14,532. Did they pay their rent?—Daniel and Michael Cronin paid their rent on the 25th of October, the same day that John O'Keeffe paid his rent.

14,533. (*Sir C. Russell.*) Where are they?—They are at a place called Maughantoorig.

14,534. Did any thing happen to them?—Yes, on the 27th of November 1881, they were shot in the legs, the same night as O'Keeffe.

14,535. Dennis McCarthy, do you remember anything happening to him?—Yes.

14,536. When did he pay his rent. Sir Charles wishes to know the place?—Denis McCarthy of Maughantoorig paid his rent on the 7th of October 1881.

14,537. Did anything happen to him?—He was fired at on the 16th October 1881.

(*The Attorney-General.*) I think your Lordship will find some evidence was given yesterday with reference to the payment of rent by that witness. If my recollection serves me right I think your Lordship will find he did not state in the witness box that he had paid his rent.

(*Sir C. Russell.*) He said he had not, but his wife had paid his rent.

(*Mr. Murphy.*) No, pardon me.

(*The Attorney-General.*) We will not discuss it, but he was examined by Mr. Murphy. I wish to remind my Lord of the facts.

(*Mr. Murphy.*) He said no rent had been paid.

(*Sir C. Russell.*) He said he had paid his rent.

14,538. (*The Attorney-General.*) Do you remember Mrs. Lynch?—Yes, I remember getting a letter from Mrs. Lynch.

14,539. In connexion with the payment of her rent?—No, in connexion with the payment of Jeremiah Callaghan's rent.

14,540. Is that her father's?—Yes.

14,541. Just produce it, please.

(*Sir C. Russell.*) Kindly give me the name?—Jeremiah Callaghan of Ballymanagh.

14,542. (*The Attorney-General.*) Do you remember the date about?—It was in 1881.

The letter was put in and read, and was as follows :

“Jeremiah Callaghan, Ballynahanagh, Mr. Linnord, my Father have sent me with the Ballance of a gale's rent, himself would be afraid to come with it as he is no land leaguer. Please make no remark in Presence of anyone in the office but give me a receipt Mrs. Lynch.”

14,543. How long had Callaghan been a tenant?—Always on the estate. He came into Lord Kenmare's upon a middleman's lease falling in, and he remained as far as we knew always on the estate.

14,544. Prior to that time had Callaghan come and paid his rent at the office?—Yes, openly.

14,545. Had there been any apparent fear on his part or unwillingness to come in the usual way?—Not at all, he has always paid his rent.

14,546. Sir Charles wishes to know the date?—It was in December, 1881, I think.

14,547. Did you at the same time receive a letter from Patrick Lynch?—Yes, Lord Kenmare forwarded me this letter.

14,548. Just read that please. Do you remember the name of the tenant?—Patrick Lynch is the tenant, and the son's name who writes this letter is Patrick Lynch also.

14,549. (*Sir C. Russell.*) Where?—Of Duneen and Coolcorcoran. He lives in two farms.

(*The Attorney-General.*) Just read that letter.

14,550. (*Sir C. Russell.*) What is the date?—It is dated the 10th November 1881.

“Oratory of the Holy Family, Grosvenor Square, Manchester, November 10th, 1881.”

(*Sir C. Russell.*) This is from Manchester.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(*The Attorney-General.*) It is from the son of the tenant.

(*Sir C. Russell.*) Have you read it?

(*The Attorney-General.*) Yes; I will read every one. I believe there is not any other one which does not fall within the ruling.

(*The letter was put in and read, and was as follows*) :—

“My Lord, my father, one of your Lordship’s tenants, has written to me asking me to pay his rent to you, as he is afraid to do so himself. The more honourable and courageous course for him would be to pay it himself, but the poor man cannot suppress this feeling of terror which those midnight mauraunders have caused to spring up in his mind. I enclose, therefore, a cheque for 35*l.*, payable to your Lordship. He tells me that there is a rumour that 25 per cent. reduction is granted on the current gale. I have allowed for this reduction; but if it be not granted I shall send the balance of the current gale as soon as I hear from your Lordship. The tenant’s address is Patrick Lynch, Inchicullane. Begging your Lordship to be so kind as to make the receipt out in my name on this occasion, with profound respect,

“I remain your Lordship’s
Obedient servant,
PATRICK LYNCH.”

(*Sir C. Russell.*) That is not the same address.

14,551. (*The Attorney-General.*) You mentioned a different name to the place when Sir Charles asked you?—It is the very same tenant. One townland entwines into another. Sometimes it is called Duneen, sometimes Inchicullane.

14,552. However, you say it is the same man?—It is the same man.

14,553. What had been that man’s position before. Had he previously paid you — Always, openly.

14,554. Is he living and doing well, that man?—Oh, yes.

14,555. Had there been any secrecy or apparent reluctance to come forward until this time?—Oh, no; he used to come in openly and pay his rent.

14,556. Now I must ask you about a case of which some evidence has already been given. Did you know a poor man named Daniel Leahy?—Yes.

14,557. How long had he been on the estate?—Oh, he was bailiff for years upon years on the estate. He lives at Scarteen.

14,558. Answer this question yes or no: Did he make a communication to you with reference to his appointment?—Yes.

14,559. Do you remember in the year 1881 his taking some grazing?—Yes, he took some grazing, a portion of Lord Kenmare’s demesne.

(*Sir C. Russell.*) We had all this yesterday.

(*The Attorney-General.*) I am quite aware of that, but you will find, in reference to a particular incident I am obliged to get this evidence on the note.

14,560. Was that land in Lord Kenmare’s hands?—Yes, it was in his hands at that time.

14,561. When he let it to this poor fellow as grazing it was in Lord Kenmare’s hands?—Yes.

14,562. Was that man subsequently murdered?—Yes, on the 20th August he was shot and stabbed.

14,563. Do you know a man named Jeremiah Leahy?—Oh, yes.

14,564. Will you produce, if you please, a letter from Jeremiah Leahy to you?

(*Sir C. Russell.*) Who is he?

(*The Attorney-General.*) He is a man who was referred to yesterday, at page 883.

14,565. Do you know that to be Jeremiah Leahy’s handwriting?—Yes.

(*Sir C. Russell.*) What was he?

14,566. (*The Attorney-General.*) He was the secretary of the Corbally branch of the Land League?—The Firies branch.

(*The Attorney-General.*) Your Lordship may remember I withdrew a letter yesterday until I could prove the handwriting.

(*The President.*) Yes.

14,567. (*The Attorney-General.*) Will you kindly look at this letter, please, and compare it with the letter you have got which you say is in Jeremiah Leahy’s handwriting, and tell me whether they are written by the same man?—Yes, they are.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,568. You have no doubt that is in the handwriting of Jeremiah Leahy?—Not the least.

(*The Attorney-General.*) I now will read the letter which yesterday I was obliged to postpone, to Mr. Jeremiah McMahon, whom your Lordship will remember it was proved succeeded to Jeremiah Leahy at the Firies branch. It is signed by Jeremiah Leahy, and it is to Mr. Jeremiah McMahon. The heading of the paper is “Killarney.”

14,569. By the way, is there the same heading on that paper?—Yes.

14,570. “Corbally, January 10th, 1883”?—This letter bears the same date, too.

(*The letter was put in and read, and was as follows*):—

“MY DEAR JERRY,

“ENCLOSED is a list of the Firies collection for Parnell. I am sorry to inform you that I will be on my way to America when you receive this. You can enquire of Mr. Harrington if the funds will be turned over to the National League, and if so send up whatever balance you may have in hand. I will send you a cheque for the remainder on my hands on the first favourable opportunity, that is if I am not arrested in Queenstown, which I dread very much. My reason for this step is that it appears an informer has turned up in Dan Leahy’s case, and numerous arrests are contemplated, and it is said my own amongst the number. I need scarcely tell you what a wrong that would be, but there is nothing but wrong at the present day. Do not mention a word of this to anybody living, as if it became known to the police they may arrest me at once. Good-bye old fellow-suspect. Write often and send me papers.—Very faithfully yours,

“JEREMIAH LEAHY.

“Mr. Jeremiah McMahon.”

14,571. Now had Dan Leahy, the man who was shot, done anything, as far as you know, to offend anybody except taking this grazing?—No, he resigned being bailiff in July 1880. He informed me that he was threatened.

14,572. In previous years had you had grazing to let which was in Lord Kenmare’s hands on other occasions?—Yes, I had.

14,573. And had let it to persons?—Yes.

14,574. Had you ever heard of that being an offence or crime against anybody at all?—No.

14,575. Had you some tenants of the name of Lyons, of Corlelieve, and Jeremiah O’Sullivan, of Ballyfinane?—Yes.

14,576. Will you produce a letter, please, of Mr. Lyons’?—Yes.

(*Sir C. Russell.*) What is this? First of all how is the letter evidence?

(*The Attorney-General.*) I have told you it is exactly within the same ruling, namely, an act done as you will find.

14,577. (*Sir C. Russell.*) Very well, if you have satisfied yourself. What is the date?—The 27th of October 1881.

14,578. (*The Attorney-General.*) From whom?—From Mr. Thomas Lyons.

14,579. Who was he?—He was a large shopkeeper in Tralee. He is dead since.

(*The letter was put in and read, and was as follows*):—

S. M. HUSSEY, Esq., Killarney,

Tralee, October 27th, 1881.

“Enclosed you have a cheque valued 57*l.* 2*s.* 6*d.* sterling. Kindly place to the credit of the following tenants on the Kenmare estate. Patrick Lyons, Corlelieve, 27*l.* Jeremiah T. O’Sullivan, Ballyfinane, 30*l.* 2*s.* 6*d.*, interest due out of your office, 7*l.* 10*s.* Total for rent, 37*l.* 10*s.* The half-crown is for income tax, usually charged. Send me receipts, and oblige

“Faithfully yours,

“THOMAS LYONS.”

14,580. Had those men, Patrick Lyons and Jeremiah O’Sullivan, paid you before always?—Always openly.

14,581. Had you a tenant in the same year, 29th of December 1881, Daniel O’Connor?—Of Lisheen?

14,582. Yes.—Do you produce a letter from him of the 29th of December 1881?—Yes.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(The letter was put in and read, and was as follows):—

“MY DEAR MR. HUSSEY,

Lisheen, December 29th, 1881.

“Owing to my servitude I now wish to explain to you some particulars respecting the same. I fortunately escaped the raids made in this and the other farms hard by. I am thoroughly convinced I am envied owing to my communication with Mr. Tivy. I am certainly willing to pay rent, but after so doing I am liable to share the same of my neighbours. As you are aware, Donoghue, who was served with me, was attacked the second night after leaving your office. He, Donoghue and I, are, as I said before, willing to pay, but want your honour to allow us some time, at least till peace is in some way restored in this locality.

“Your obedient servant,

“DANIEL O’CONNOR.

“S. M. Hussey, Esq.”

14,583. Keep that letter before you for a moment. A man named Donoghue is referred to there. Had he paid you rent?—Oh, yes.

14,584. Do you know whether he had been attacked or not?—I never heard.

14,585. With reference to the man Tivy, do you know anything about the name Tivy?—Yes, he is a butter merchant in Cork, and I think O’Connor was his agent. At least, I heard so.

14,586. Had you a tenant named Arthur O’Keeffe?—Yes.

14,587. Do you produce a letter from him?—Yes.

14,588. What is the date?—There is no date on it, but it was in 1881.

(The letter was put in and read, and was as follows):—

“HONORED SIR,

Fortwilliam, Killarney.

“ENCLOSED is a cheque to the amount of 27l. 17s. 6d., being the rent due of my farm. The poor rate being 11l. 5s., I promised you I would send it to you, and am more than thankful to your honour for obliging me, considering it my safest way to overcome suspicion, and expect if any reduction or the like be granted, I will be entitled to the same.

“There is one thing more causing me much uneasiness, and it is to get a licence for a revolver. I was speaking to Mr. Bodkin, R.M., about it. He said he should see Mr. Hussey before granting; so I hope you will intercede with Mr. Hussey that I may be granted it ere long, not knowing when danger would approach.

Your very obedient servant,

“ARTHUR O’KEEFFE.

“Henry Doran, Esq.”

14,589. How long had that man O’Keeffe been a tenant?—He purchased the interest in the holding, I think, in 1877.

14,590. Speaking of these people, whose actual letters you produce, what sort of condition were they in as regards being competent to pay?—They were very comfortable, respectable, solvent men.

14,591. And about these you have mentioned, had there been, as far as you know any unwillingness or reluctance to pay their rent prior to this time?—Never.

14,592. Do you recollect anything happening at Glangresteen?—Yes.

14,593. What happened there?—We found it necessary in 1882 to evict three of the tenants there who were able to pay, but were afraid to do so.

(Sir C. Russell.) Will you kindly give us the names?

14,594. (The Attorney-General.) Can you give the names?—Yes, I will get the names in one second (after referring to a paper). Michael Riley, of Glangresteen, he was evicted on the 31st January 1882; Donald Maddox, he was evicted on the same date, and Timothy Gallagher who was also evicted on the same date.

14,595. Do you know of your own knowledge whether any persons came to the place immediately after or shortly after that?—Shortly after that Miss Reynolds, of the Ladies Land League, came and stopped at the hotel where I was stopping at Killarney.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(*The Attorney-General.*) Your Lordships will hear a great deal more about Miss Reynolds before the end of the case.

14,596. Did anything happen to the houses after Miss Reynolds' visit, and if so, how soon after?—I think it was the day after the evictions Miss Reynolds went out to Rathmore and stopped with Mr. Stewart, of Gallan.

14,597. Is Rathmore anywhere near this place?—It is in that district.

14,598. Did anything happen to the houses?—On the following night the evicted houses were fired into.

14,599. (*Sir C. Russell.*) Were you there?—No.

(*The Attorney-General.*) I will ask him.

14,600. Did you yourself see the marks of the firing on the houses afterwards?—No, I did not.

14,601. How do you know they were fired into?—My bailiff reported it to me the following morning.

14,602. What was his name?—Crinnan.

14,603. (*Sir C. Russell.*) Were all these three, Riley, Maddox, and Gallagher, at the same place, at Glangresteen?—Yes, Glangresteen.

14,604. (*The Attorney-General.*) Were they town lands?—No, that is one town land.

14,605. What they occupied, is it town land?—A portion of it is town land, the other tenants of the town land had paid; these tenants were afraid to pay, at least they alleged it.

14,606. Were they men in possession of what you call portions of town lands?—Yes, they had a portion of it.

14,607. What sort of portion?—One, I think, holds something like 30 acres, the other 16 acres, and the other 23 acres, they all join.

14,608. Were those three men in a position to pay?—Certainly, they redeemed shortly after they were evicted.

14,609. Made arrangements with you?—Yes, paid their rent and costs.

14,610. Paid both rent and costs?—Yes, and they are still in possession.

14,611. Was there a man of the name of John Horgan of Clounts?—Yes, John Horgan of Clounts.

14,612. Tell us what happened with reference to John Horgan, what had he done?

(*Sir C. Russell.*) Does he know of his own knowledge?

(*The Attorney-General.*) Yes, you will find he does.

(*Sir C. Russell.*) Kindly ask, as it is not always so.

(*The Attorney-General.*) Just tell us what happened with reference to John Horgan?

(*Sir C. Russell.*) Of your own knowledge.

(*The witness.*) I know it perfectly; I was there when he was evicted, and there were about 150 police and 150 soldiers there.

14,613. (*The Attorney-General.*) When was that?—In 1881.

14,614. What date?—I think it must be some time in 1881. I do not know at present, but the agreement speaks for itself afterwards.

14,615. What happened after the eviction?—He was re-admitted as caretaker of the house, and he was directed to let the lands, pending redemption, to the highest bidder.

14,616. Did he let them?—Yes, he let them to Daniel Francis Moynihan, of Islanderry, and it was reported to me afterwards that Moynihan's house was fired into,

14,617. Do you know of your own knowledge whether the house was fired into or not?—No, except from the report of the constabulary.

14,618. Which do you mean, was it Moynihan's house or Horgan's house?—Moynihan's house and Horgan's house was fired into too.

14,619. I was coming to them both directly; when you spoke of the house being fired into did you mean Horgan's house or Moynihan's house?—I meant Moynihan's house, but Horgan's house was also fired into.

14,620. Was there an agreement?—Yes.

14,621. Just produce it, an agreement between who?—Between Francis Daniel Moynihan and another for the redemption of the place.

14,622. That was a letting of the grazing with the consent of Horgan?—Yes, with the consent of Horgan.

14,623. Was it done with the consent of Horgan?—Certainly, he was there as caretaker of the house.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,624. An agreement made by Francis Daniel Moynihan to take that for the time being?—Yes; it was Horgan's negotiated the matter and brought in Moynihan to the office to settle it.

14,625. Horgan negotiated the matter?—Horgan negotiated the matter, and it was a friendly thing, an arrangement between all parties.

14,626. Was there any ill-feeling between Horgan and you with reference to that matter?—Not a bit in the world.

14,627. He was carrying out the arrangement that the grass land should be let during the period of his redemption?—Yes, in order to help him to redeem the farm.

16,628. Does the tenant get credit for that?—Oh, certainly, we must account for every farthing we make over the lands in the meantime.

16,629. You said just now on behalf of Lord Kenmare, whatever it is, the tenant gets the benefit of letting the land to the highest bidder?—Yes, we must account for every penny we make over the land.

16,630. Had you a man named John Moynihan, a tenant?—Yes.

16,631. He spells his name in the same manner?—Yes. John Moynihan of Bauard.

16,632. Is he any relation to the other men?—I think there is some cousinship between them.

16,633. Please produce a letter of his of the 12th January 1882?—Yes (*producing the same*).

14,634. Just read it, if you please, or I will read it for you if you will follow it.

"Honoured Sir. I am in receipt of a letter of Mr. Arthur O'Keefe"—

(*Witness.*) A "note" it should be.

(*The Attorney-General.*) Then you had better read it, please.

(*Sir C. Russell.*) Is there a date?—Yes, January 12th, 1882.

The witness read the letter as follows:—

"Honoured Sir.—I am in receipt of a note from Mr. Arthur O'Keefe, Fort William, about the payment of my rent. He states that he was obliged to borrow 4l., as I only gave him 16l., as I was informed the Earl of Kenmare was giving 20 per cent. reduction. Mr. O'Keefe also says a writ has been issued for me. I now most respectfully submit to your Honour's consideration my case. I have always paid my rent, and would have paid my rent now, as I ever did; but when I paid my rent in November 1880, my neighbours were afterwards served with writs and came into this office; the clerk said they had as good a right to pay their rents as I had. When they came home began to vent their indignation against me, and I was held up since as an enemy, even at Rathmore. In the first week of November a notice was posted and headed 'The black sheep of the parish,' and in that notice the names of the Cronnins, of John Keefe, of Lisheen, of Jeremiah Scannell, and mine appeared. When I was told this I began to think of how I could get in the rent, and I asked Mr. O'Keefe, as he was near town, if he could see some one from the office and try to pay. John Keefe is a cousin of mine, and when I saw him mortally wounded I was very much terrified. Now you can think that Mr. O'Keefe is a truthful man, and can state that I gave him my rent on the 18th November, and would have willingly paid it, were it not for being afraid. I sincerely hope your Honour will reconsider my case, and if you ask Mr. Doran he will be able to say that I told him through the constable of Rathmore on the day of the eviction that my rent was paid, so that the fault is not mine, and that your Honour will not charge the extra, as I understand the Earl of Kenmare is not willing to put an honest tenant to cost. So as I understand the writ has been issued you will be good enough to send me a copy by post to send my neighbours to understand that I have not paid my rent. So I earnestly entreat you will not tell anybody of my having paid any rent, as it is a sentence of death. I have my brother James at my house, but if you are against it I will have him removed, as I should not do anything that would be hostile to the interests of the Earl of Kenmore.

"I remain, your Honour's obedient servant,

"JOHN MOYNIHAN.

"Samuel M. Hussey, Esq."

(*Sir C. Russell.*) Will you ask him what the "extra" refers to there?

21 Nov. 1888.]'

MAURICE LEONARD.

[Continued.]

(*The Attorney-General.*) I will ask him now.

14,635. There is something about "his honour will not charge the extra"?—Those were the costs.

14,636. Did you ascertain that this man had sent his money by Mr. O'Keefe?—I had received it.

14,637. Although the money had been received he asked for the writ to be sent to him?—Yes.

14,638. So that he might show his neighbours he had not paid his rent?—Yes.

14,639. What sort of position is John Moynihan in?—Most comfortable, he is comfortable up to the present day; his rent was always paid.

14,640. Before this January 1882 had John Moynihan tried to pay his rent secretly, or had he in any way abstained from paying it?—Never, he always came in openly and paid it.

10,641. I call your attention to the notice, the names of the Cronnins and John Keefe of Lischeen appear here?—Yes.

14,642. Are they the men you mentioned before as being shot?—Yes, and there was Jeremiah Scannell, his horse's ear was cut off, and he got 20*l.* compensation for the loss of his horse.

(*Sir C. Russell.*) When was that about Scannell?

(*The Attorney-General.*) It must have been before the 12th January.

(*The Witness.*) It was some time in the autumn of 1881.

14,643. (*The Attorney-General.*) Had you a tenant named Patrick Lawlor?—Yes.

14,644. Have you a letter from him on the 17th April 1882?—Yes.

The witness read the letter as follows:—

"Sir,

Dronmadesart, Monday, April 17, 1882.

"I have enclosed a cheque for 36*l.* 7*s.* 6*d.* with a poor-rate ticket interest on the money, making in all 52*l.* 10*s.* 0*d.* Hoping you will send me a receipt by post as soon as possible. I am afeared of being attacked at night if I made off. I paid my rent.

"I remain, Sir,

"Your obedient servant,

"PAT. T. LAWLOR."

14,645. I see in two or three of the cases they send a poor rate ticket with the rent?—Yes.

14,646. Does Lord Kenmare pay the poor rate?—He has to allow them half the poor rate.

14,647. So they send in the poor rate for the tenant to show that he has deducted the right amount?—They are entitled to be paid half of it.

14,648. Had he lent money, and was there interest due in this case?—He had lodged money at the office, and was getting interest at 5 per cent. upon it.

14,649. So that his payment was made up by a cheque for 36*l.*, half the poor rate and interest on the money lodged in the office?—Yes.

11,650. (*Sir C. Russell.*) How much is the interest?—The difference between 36*l.* 7*s.* 6*d.* and 52*l.* 10*s.* and the poor rate, 200*l.*, was the amount he lodged in the office, however.

14,651. (*The Attorney-General.*) Then it would be for half a year 5*l.*, and for a year 10*l.*?—Yes.

14,652. (*Sir C. Russell.*) I want to see what the poor rate was, but we do not know?—I do not know really. I know his rent is under the poor rate valuation.

14,653. (*The Attorney-General.*) The poor rate would show the amount; it would not show anything more than that?—It would show the valuation, and the gross amount the tenant paid.

14,654. But the amount of the poor rate would not tell the valuation unless you have the rent.

(*Sir C. Russell.*) I am asking about the poor rate.

(*The Attorney-General.*) That is only so much money the tenant has to pay?—Exactly; but he has to be allowed half of it.

14,655. On the 1st of February 1882 had you a man named Cornelius Leahy?—Yes, of Kanasup.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,656. Was he evicted, and was Murphy Leahy, his son-in-law, put in possession of his farm as a caretaker?—Murphy Leahy was evicted and Leahy was put back as caretaker.

14,657. Murphy was the son-in-law?—Yes.

14,658. Leahy had been in occupation of this farm before he was the caretaker?—Yes, before he gave it to his son-in-law, but he kept a certain reservation for himself.

14,659. That was, I think you said, on the 1st of February 1882?—Yes.

14,660. Did anything happen to him?—Shortly after he was put in as caretaker a party of moonlighters came and shot him in the legs.

14,661. Was that on the 14th of March 1882?—Yes, he got 100*l.* compensation under the Crimes Act.

14,662. Patrick Duggan; had you anything to do with him yourself?—Yes, he is a tenant on the estate.

14,663. I am afraid this is not actually in accordance with the ruling—was Patrick Duggan shot?—He was.

14,664. (*Sir C. Russell.*) Where is he?—He lives at a place called Shroon Moor.

14,665. (*The Attorney-General.*) What time was it; at the end of 1881 or the beginning of 1882?—1882, I think.

14,666. Just answer my question, yes or no. Did you see him shortly after he was shot?—Yes.

14,667. Did he make a communication to you?—Yes.

(*Sir C. Russell.*) Patrick Duggan.

(*The Attorney-General.*) Patrick Duggan?

14,668. Had you a caretaker on an evicted farm, named Merty Finane?—Yes, caretaker of Cornelius Crowley's farm at Cuteem, which the Land League resisted in Dublin.

14,669. You mean the Land League resisted the eviction?—Yes.

14,670. You know that Crowley was defended by the Land League on eviction?—Yes.

14,671. Finane was the caretaker, what happened to him?—He was going home from mass on Sunday, and he was shot in the back by a bullet.

14,672. Except the fact that he was caretaker of an evicted farm, was there anything against that man?—Never, he was a poor labourer up to that date.

(*The President.*) You have not given a date to that.

14,673. (*The Attorney-General.*) The eviction I think was on the 19th of December 1881.

(*The Witness.*) Yes.

14,674. How long after was he shot?—I will tell you directly. Crowley was evicted on the 19th December 1881, and Finane was fired at and shot in the back on the 12th August 1882.

14,675. Was he then caretaker of the farm?—Yes.

14,676. Joseph O'Sullivan, was he a state bailiff?—Yes, he took the place of poor Dan Leahy when he resigned, and when he was going to mass on the 27th of May 1883 he was shot in the back.

14,677. Just tell us what the duties of the state bailiff are?—He has to report the undertenants on the property, and report whatever is going on, and to attend at evictions, and make seizures.

14,678. I will pass for a moment, if you please, to ask you a question about the Crimes Act of 1882. After the Crimes Act of 1882 was passed, did things improve in your neighbourhood?—Oh, vastly.

14,679. And up to the time of the expiry of that Act, did they continue better?—Certainly.

14,680. Was Curtin a tenant on that farm?—John Curtin of Castle Farm, yes.

14,681. (*The Attorney-General.*) I do not think it necessary to do more than that. Mr. Curtin did pay his rent?—Yes, on the 12th of October 1885.

14,682. Now I will go to the point I was upon. Had you a farm in the occupation of a man named Barry?—Yes.

(*Mr. Lockwood.*) 1885, still?

(*The Attorney-General.*) End of 1884 and beginning of 1885.

14,683. Do you remember up to what time Barry occupied the farm?—One moment, please.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,684. I think you will find it is 28 April 1884, Ballinamanagh—or that may be the name of the place the man came from who afterwards took it. Do you remember a tenant of the name of Barry?—Yes.

14,685. What became of him; did he go to America?—There was an ejectment out for nonpayment of rent, and before it was executed he asked me to be allowed to sell his interest, and he sold it to a man named Daniel Donohoe for 90l.

14,686. Barry was in possession; an ejectment was brought against him, and before the ejectment issued he asked to be allowed to sell his interest?—Yes; to a man named Donohoe for 90l.

14,687. What happened?—He got permission, went into possession, and shortly afterwards the Moonlighters got him and shot him in the legs, and he got 100l. compensation under the Crimes Act.

14,688. That was the case of a man who had bought the interest of the previous tenant?—Yes, and paid him 90l. hard cash.

14,689. The only person suffering by that land being taken would be the landlord and not the previous tenant?—Certainly. He emigrated with his family to America.

14,690. Do you remember the name of these two men?—John Barry, I think, was his name.

14,691. No, the name of the Moonlighters, I mean?—I could not tell you.

14,692. Do you remember a man named Dennis Sullivan?—Yes, of Ballinamanagh.

(*Sir C. Russell.*) Do you say this was the man that was shot in the legs?

14,693. (*Mr. Murphy.*) What was his Christian name?—Daniel Donohoe.

14,694. Are you sure the name was not Sullivan?—Oh, no, it was Donohoe.

14,695. (*Sir C. Russell.*) Donovan?—Donohoe was shot on the 18th of December 1881.

14,696. (*The Attorney-General.*) It was neither my fault nor yours. I think you had mentioned the name of Donohoe before in connexion with this outrage?—It occurred in 1881, on the 18th December 1881.

(*The President.*) That does not connect it with Barry.

(*The Attorney-General.*) It is not the witness's fault; it was my fault for having overlooked it; it was immediately in my proof below Leahy's murder. Barry was the name of the tenant Patrick Donohoe had purchased his farm, and was shot in the legs; that was quite right. Going back to 1881.

(*The President.*) Then the correction will be what?

(*The Attorney-General.*) That is quite right as far as Barry is concerned. Now I want to direct attention to this case.

14,697. (*Sir C. Russell.*) This is 1881 and not 1884?—Quite true. I have the dates now, if you want them.

14,698. (*The Attorney-General.*) You have given us the dates?—It was let to Frederick Donohoe on the 12th of September 1881.

14,699. You said it was sold?—Well, he was made rack tenant after the sale on the 12th of September 1881, and he was shot on the 18th of December 1881.

14,700. I am entirely to blame for having passed it over, and not you. Now then, was there a man named Dennis Sullivan who in 1884 took a farm which I think was Barry's farm?—Yes, James Barry.

14,701. And another name?—Yes, I think they were cousins; he lived at Ballinamanagh, and he went to America; his family went with him, and he went to America and left the farm behind him.

14,702. Well, who took it?—In December.

14,703. When did he go to America?—He went in 1884; the farm was then, after some months, let to Dennis Sullivan of Dooney.

14,704. It lay empty and vacant for some months?—Yes.

14,705. Then it was let to Dennis Sullivan?—Yes, on the 28th of April 1884.

14,706. Now in December 1885 was there a raid upon Sullivan?—Yes, the Moonlighters raided him December 1885.

14,707. Were two young men convicted for that raid?—Yes.

14,708. What were their names?—Cokely and Leary.

14,709. Do you know whether either of them were members of the National League?—It was reported in the district they were.

14,710. Both of them?—Yes, Cokely and Leary.

14,711. (*Sir C. Russell.*) Is that a part? He says it was reported. Do you know whether they were or not?—Not personally, except as related in the district.

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,712. (*The Attorney-General.*) Do you believe it?—I do.

(*Sir C. Russell.*) Really.

14,713. (*The Attorney-General.*) Cokely and Leary, my Lord, are the names. Now I do not know whether you can prove it. Were you at the trial of these two men?—Not in Cork.

14,714. Or were you at any of the hearings of these two men?—I think I was in Killarney when they were before the magistrate.

14,715. I only wanted to know whether you remember anything about their hearing?—The tenant came in and swore against them.

14,716. If you do not know actually, I will not put it to you. Answer “Yes” or “No.” Do you know by whom these men were defended. Do not say unless you know?—I know they got up a subscription for them in Killarney.

14,717. You do not know anything more than that?—No; except that the Land Leaguers got up a subscription for them in Killarney.

14,718. You can tell me that?—Yes.

14,719. How do you know that?—Dennis Cooney, he was getting it up. He got a subscription up for it, I know.

14,720. Was he a member of the League?—Yes. It is notorious in the district that he is a member of the National League.

14,721. You say a subscription was being got up by Land Leaguers in the district?—Yes.

14,722. Who actually defended or instructed for the defence, you yourself do not know?—No, I do not.

14,723. Had you a tenant named John Cronin in the month of January 1885, or perhaps it may be the name of his mother, Mrs. Cronin. There is a letter from John Cronin?—Where?

14,724. I can only tell you the mother was a tenant of yours. Do you produce a letter from John Cronin of the 19th of January 1885?—Yes; the letter is as follows:—

“19th January 1885,

John Cronin, care of Messrs. Cullen Bros.,

“RESPECTED SIR,

“5, Clanwilliam Place, Dublin.

“I FEEL much for troubling your honour but I can't help it. In consequence of these Moonlighters in Kerry my mother was rather afeard to pay the rent herself for fear of it being discovered so I had to send it from here hoping it will be in due time as we could not meet it any sooner. Knowing it was honestly due, I hope your honour will make it all right now Sir. I enclose a post office order for 2*l.* 13*s.* 9*d.* payable in Killarney for the Right Hon. the Earl of Kenmare it being half year's judicial rent due of Patrick Cronin, Gutnagaun. Sir you will oblige very much by ordering receipt to be sent to my address in Dublin.

“I am, Sir, your obedient servant,

“JOHN CRONIN.”

14,725. Had Patrick Cronin got possession of the estate?—Yes.

14,726. Now had you a tenant of the name of Timothy Daly?—Yes.

14,727. That is a letter of the 27th October 1885, Knockaderry?—Yes; the letter is as follows:—

“DEAR SIR,

“Knockaderry, October 27th, 1885.

“HEREIN I have enclosed a cheque in your name in the National Bank for 12*l.* 10*s.* 0*d.*, it being the amount of the last May gale due of me and please have it entered to my credit in the book until these troublesome times pass away for I don't think it safe at present for me to go to the office and have it entered in my pass book. Sir I will be more than obliged to you if you write a few lines to Farranfore Post office for me when you receive this for I will be uneasy until I hear you received it.

“I remain your obedient servant,

“TIMOTHY DALY,

“Knockaderry, Farranfore.”

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

- 14,728. Where was Forranfore Post Office?—About 9 miles from Killarney.
 14,729. Was it the same place as Knockaderry?—Knockaderry is about 10 minutes walk; it is a portion of the town lands.
 14,730. What is meant by that pass book these tenants refer to?—The pass book referred to here is a copy of the ledger account kept at the office of the agents.
 14,731. And each payment is entered in that?—Yes, as they pay.
 14,732. The tenants keep it?—Yes.
 14,733. As a sort of record of the rent he pays?—Yes, and it is an exact copy of the ledger.
 14,734. That very frequently is called the pass book?—Yes.
 14,735. That is what the tenants know it by?—Yes.
 14,736. Had you a tenant of the name of John Killigher, of Castleisland?—No, that is John Killigher of Glunagiskeen.
 14,737. The date of the letter is the 2nd November 1885?—Yes; the letter is as follows:—

“ SIR,

“ Castleisland, November 2nd, 1885.

“ PLEASE to give me time for a month for my rent. I came here fourteen miles to-day to sell cattle, and could not make any money of them to pay my rent, as you can see by the postmark of the letter. I send you the second envelope that your writing would not be known, as we have frightful trouble here in Rathmore about the League.

“ Yours faithfully,

“ JOHN KILLIGHER,

“ Glunagiskeen.

- 14,738. Now, in the earlier days, before the National League was established—
 (*Sir C. Russell.*) In November 1885?
 Yes.
 14,739. (*The Attorney-General.*) In the earlier days, before the Land League or the National League was established, were you ever asked to send a letter in the writing of the tenant's envelopes to the house?—Never.
 14,740. Now you remember a meeting to which you have referred at which Mr. William O'Brien, Mr. Healy, and the American priest spoke?—Yes, about the 1st September 1885, Mr. William O'Brien, M.P., Mr. Healy, M.P., Mr. Edward Harrington, M.P., and an American priest came to Killarney and made some fearful speeches.
 14,741. What I wish to know is whether, in your opinion, that meeting had any effect upon the condition of the district?—From that day to this we have had nothing but agitation in Kerry.
 14,742. (*Sir C. Russell.*) I am sorry to stop you for a moment, was that the same meeting, the 1st November 1885, at Listra?—No; the Listra meeting was in 1881. This was held in the Fair Hall at Killarney, 1885.
 14,743. (*The Attorney-General.*) I think you said the Listraw meeting was in 1881?—I think it was in the spring of 1881.
 14,744. This other one was at Killarney?—The Fair Hall at Killarney.
 14,745. Do you remember a certain Father O'Connor being referred to?—Yes.
 14,746. Was that at the same meeting or a different meeting?—I think it was the same meeting.
 14,747. Never mind whether it was or not; look at the “Kerry Sentinel” of the 10th December 1885?—September.
 14,748. (*The Attorney-General.*) I have not an extract from it—
 (*Sir C. Russell.*) September, he said.
 (*The Attorney-General.*) I daresay it was; I am referring to the fact?—Yes, I have the paper.
 (*The Attorney-General.*) Hand it down to me; I will read the part I want to read myself. It is from the “Kerry Sentinel” of the 10th November 1885:—

“ Writs are flying around broadcast, and it behoves the tenantry to keep a sharp lookout, and endeavour to baffle those legal plunderers by each and every means that human ingenuity can contrive within British law. It is a life and

21 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

death struggle for their existence. The grip of the tyrant is on their throats, and the very list of them make it incumbent on them to resist the plunder of their families to the last. In the Rev. P. O'Connor, P.P., the tenants have a wise, zealous, and faithful guide, let them be led in all cases by his council and advice, and nothing will occur to bring disgrace on the righteous struggle in which they are engaged. We are informed that a number of tenants have lodged their rents in the year, less 30 per cent., to be put in the bank to their account, till the struggle is ended. Let all the others follow their example without delay, and if the worst comes they will at least have wherewith to feed and clothe their families this terribly trying year. Let their motto be no surrender, 30 per cent. or nothing."

14,749. What had happened; had there been any reduction on the Kenmare estate prior to this time?—There was no application for a reduction until this, from 1882 up to then there was no application for reduction.

14,750. Had there been some reduction?—No.

14,751. From 1882 to 1885 there had been no application for a reduction; had there been some reductions in the earlier years you are speaking of?—Yes, I can tell you in one second, in November 1879, the November 1879 rent, there was 20 per cent. given; in the 1880 rent there was 20 per cent. given; and in 1881 there was 20 per cent.; there was 25 per cent. given in 1885; 20 per cent. given in 1886; 20 per cent. given in 1887; and 20 per cent. at present. That is on all yearly tenancies.

14,752. In 1879, 20 per cent.?—Yes.

14,753. In 1880, 20 per cent.?—On the November of 1879.

14,754. Then, apparently, none up to 1885?

(*Mr. Justice Smith.*) Twenty per cent. in 1881?

(*Witness.*) Yes, 20 per cent. in 1881.

14,755. (*The Attorney-General.*) There had been an allowance made in 1879, 1880, and 1881?—Yes.

14,756. Now, during that time, from 1882 up to 1885, I am not speaking of any special instances, such as bankruptcy, or anything of that kind; had the tenants demanded any reduction?—No.

14,757. Was there anything in the condition of the country at that time to call for, what I may term, a general reduction?—Yes, there was.

14,758. When?—The latter end of 1885.

14,759. For the first time?—Yes.

14,760. After 1882?—Yes.

(*The Attorney-General.*) Now, will your Lordship allow me to break off here, as there is a great deal more to ask this witness?

The Court adjourned until to-morrow, at 10.30.

1891
1892
1893
1894
1895
1896
1897
1898
1899
1900

“Uncorrected Proof.”

M. Dwyer

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT No. 1,

Thursday, 22nd November, 1888.

Mr. MAURICE LEONARD SWORN.

Further examined by the ATTORNEY-GENERAL.

14,761. Before we adjourned, previous to the questions respecting reductions, I had asked you as to a certain Father O'Connor?—Yes.

14,762. And you had put in a reference to the “Kerry Sentinel,” asking the tenants to follow the wise and faithful guidance of the Reverend P. O'Connor, parish priest?—Yes.

14,763. Were there any speeches of the Reverend P. O'Connor reported in the “Kerry Sentinel” shortly after that?—Yes, in the same paper on the 10th of November 1885.

14,764. The same one as you have referred to?—Yes.

14,765. The “Kerry Sentinel” of the 10th of November 1885. It is in an article headed “Sheriffs’ Sales at Firies.” Do you remember what sheriffs’ sales there were about this time?—Yes, William Daly, of Tuala’s cattle and kane of Clounlara, was sold by the sheriffs at Firies pound upon that day.

14,766. Who were they?—They were two tenants on Lord Kenmare’s estate.

14,767. Were they sold for rent?—Yes, for rent.

14,768. What sort of position were those men in?—Wealthy farmers.

14,769. What happened at those sales?—Mr. Sheehan, Member of Parliament, took a band from Killarney out there.

14,770. (*Sir C. Russell.*) Were you there?—Yes.

14,771. You were at the meeting?—I was at the sale, Sir Charles.

14,772. (*The Attorney-General.*) Was James Jeremiah D. Sheehan, President of the Killarney National League?—Yes, he went out from Killarney with a band. There was also a band there from Castlemaine, and from Castleisland, I believe. There were three bands.

14,773. Was Mr. D. Healy there?—Yes.

14,774. Was he President of the Kilcummin branch of the league?—Yes.

14,775. Mr. George Gorman, was he there?—Yes.

14,776. Was he Vice-President of the Ballyhar branch of the National League?—It was reported so.

14,777. Then I see the Castleisland League represented by Hussey, Quinlan, Matthew Wren, B. Hussey, and George Twiss. Was there at this sale a large demonstration of the National League?—Yes.

14,778. What number of people were there?—I think about 300 or 400.

14,779. What was the result of the sale with regard to prices realised?—The cattle were put up by the sheriff, and they were bought in by the tenants; and Mr. Sheehan, Member of Parliament, gave a cheque for a portion of the amount of the execution, and the tenant paid up the balance in a few days to the sheriff.

(*The Attorney-General.*) Now, my Lord, I call attention to Father O'Connor’s speech reported in the “Kerry Sentinel.” It is the same heading, beginning “Sheriff’s Sales at Firies” (I will put the whole of in), at which this disturbance took place.

(*Sir C. Russell.*) Was there a disturbance?

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(*The Attorney-General.*) Well, conduct took place; demonstration I will call it.

(*The document was put in and was as follows*):—

“ [* Sheriff's sale at Firies.

“ On Saturday the sub-sheriff, Mr. Harnett, attended at Firies for the purpose of putting up for sale a number of cattle which had been seized at the suit of the Earl of Kenmare for rent. The seizures took place on Thursday last, under the superintendence of the sub-sheriff himself, assisted by Mr. Browne and Sons, Tralee, and the notorious Arthur Gloster, Firies. The first place visited was that of Mr. John Kane, Clounlara, where seven head of cattle were seized to satisfy the landlord's demand for 28*l.*, a half year's rent. The next seizure took place on the farm of William J. Daly, Trala, when eleven cattle were seized to satisfy a demand for 50*l.*, a half-year's rent also. The report of the sheriff being in the district having spread abroad, a large and threatening crowd assembled, who showed a very decided disposition to prevent the cattle being driven off the land, and the Messrs. Brown and Gloster appeared fully inclined to beat a retreat, when Mr. Daly himself came forward, and used every exertion to calm the people, and the cattle were then driven off and lodged in Firies pound. Early on Saturday large crowds commenced pouring into the village of Firies from all the surrounding parishes. The Killarney brass band, accompanied by Mr. Jeremiah D. Sheehan, President of the Killarney National League, and the members of the executive, Messrs. D. Shea, D. Moriarty, John Price, &c., arrived among the first. Those were followed by a large contingent from Kilcummin, in charge of Mr. D. Healy, President of the Local Branch of the League. The Ballyhar contingent came next, in charge of Mr. George Gorman, vice-president of the Ballyhar Branch, Mr. Patrick Cronin, hon. sec., &c. This contingent created a great sensation, a number of horns being distributed to the members of the League, which were sounded continually as they advanced along the roads, and attracted immense crowds. The Castleisland League was represented by Messrs. Edward Hussey, William Quinlan, Matthew Wren, B. Hussey, George Twiss, &c. Large numbers also poured in from Castlemaine, Curro, and Currans, and when the hour appointed for the sale came on, fully 3,000 people were assembled in the village. Upwards of 100 police were present, in charge of Captain Plunket, R.M., and District Inspector Crane, Killarney. The Killarney brass band and the Firies fife and drum band discoursed popular airs while awaiting the arrival of the sheriff, and the greatest excitement and enthusiasm prevailed. Shortly after 12 o'clock, Mr. Harnett arrived, and his advent, and that of Mr. Maurice Leonard, Estate Office, was received with a tremendous storm of groaning, whistling, and sounding of horns. They proceeded towards the pound, accompanied by Captain Plunket and the police, and followed by an immense crowd, headed by the Firies fife and drum band, the groaning, hooting, and sounding of horns being perfectly deafening. Captain Plunket halted his men, holding the Riot Act in his hand, and informed the crowd that they would not be allowed to proceed any further. The Rev. P. O'Connor said the people had a perfect right to go where they pleased, it was another specimen of British law. (Loud cheers for Father O'Connor, and groans for Pacha Plunket.) The crowd assumed a very threatening aspect, and a collision with the police seemed imminent, when Father O'Connor and Mr. Daly interposed, and succeeded in restoring quiet. The pound being reached, the sheriff commenced to proceed with the sale. Close to him were a seedy-looking emergency man, and Messrs. Gloster and Leonard, representing the Estate Office, while the interest of the tenants was watched by Father O'Connor, Mr. J. D. Sheehan, and other members of the National League. The people ranged themselves on the fences, and kept up a withering fire of sarcasm on the bailiffs during the proceedings.

“ The sheriff said he would put up Mr. Daly's cattle in one lot.

* The portions in brackets were not read.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ Father O’Connor objected, and said there were many present who would buy the cattle if put up separately.

“ Sheriff: You should not be causing a disturbance here, sir.

“ Father O’Connor (indignantly): It is you who are disturbing the peace with your mercenaries. We have foreign rule here to-day. (Cheers.)

“ Mr. Leonard: Let the sale go on.

“ Mr. Daly: Shut up, you hungry pauper.

“ *A voice.*—What about the Widow Leonard? (laughter).

“ *Another voice.*—Mossey, why don’t you carry Arthur, and he’ll steal a wife for you as he did for himself (loud laughter).

“ *Another voice.*—Let him alone, he sleeps with his lap-dog (renewed laughter).

“ The sheriff here invited a bid.

“ The emergency man bid 5*l*.

“ Mr. Sheehan bid 6*l*.

“ The emergency man bid 10*l*.

“ Mr. Sheehan.—Who bid?

“ The sheriff declined to answer.

“ Mr. Sheehan.—That beggar could not pay his train-fare home (loud cheers).

“ After a few more bids, the cattle were knocked down to Mr. Sheehan at 30*l*. amidst great cheering. Here the bailiff, Gloster, who kept in the background, made his appearance, looking very scared, and was received by the crowd with a perfect storm of hooting, whistling, and blowing of horns.

“ *A voice.*—Arthur, a basin of soup would be no black eye to you now (laughter).

“ *Another voice.*—Let someone go for the parson for him. He is getting a weakness (loud laughter).

“ Mr. Kane’s cattle were then put up, and after a few bids, were knocked down to Mr. Sheehan at 30*l*., amidst great cheering.

“ Mr. Daly’s cattle only realised less than half the amount of rent claimed, and Mr. Kane’s cattle were sold for 6*l*. less than the rent due. The cattle were decorated with green branches, and driven through the village, followed by an immense crowd, who cheered loudly for Mr. Daly, Mr. Kane, and Father O’Connor. Subsequently, the people were addressed by Father O’Connor, Mr. Sheehan, and Mr. Healey, Killarney.]

“ Father O’Connor said they had to-day scored a splendid victory. They could understand for the future the vital importance of unity and determination, and could learn to protect themselves by taking a leaf out of the landlord’s book. There was a combination of landlords in Cork the other day, and their whole object was to send cattle across to England that were raised on evicted farms, and after, if they had the money, to clear the people out of the country.

“ *A voice.*—They will go themselves first (cheers).

“ They now knew what to do in the future (cheers). The people would stand together like brothers, and when one was attacked, they should all come to assist him (cheers). Let them stand together, because their cause was a just one, and they were only trying to resist oppression and injustice, and that resistance they all knew very well was forced upon them by the inhuman conduct of those who had the power to harass and ruin and destroy the people of the country.

“ *A voice.*—Down with Hussey (groans).

“ Father O’Connor. If any tenant went behind his neighbour’s back and paid his rent, he was a traitor and a coward, and should be cast out from among them.

“ *A voice.*—Shoot him (No, no).

“ Father O’Connor. Don’t, but put what we call a ‘brassil’ upon him, and he will be known and execrated all over the country.”

14,780. What is a “brassil”?—A red mark.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(The Attorney-General, continuing to read) :—

“ It was by acting thus shoulder to shoulder like men they could succeed.

“ Mr. Sheehan next addressed the meeting in an eloquent speech. He said, the men of Furies had to-day made a splendid effort to throw off the crushing yoke that bound them. Some years ago they had a middling good agent on the Kenmare estate, who enabled them to live at least from hand to mouth. Had he been continued, they would probably be still the same submissive slaves they were before, but the tyranny they were subjected to at the hands of Sam Hussey had become unbearable, and they had risen like men to assert their rights. It was rumoured that Hussey was about bidding farewell to the Kenmare Estate.

“ *A voice.*—The d——l go in his road (laughter.)

“ And if so, Mr. Sheehan hoped in God they would get worse than him, so that they would be compelled to shake off, once and for ever, the intolerable yoke that crushed them.

“ *A voice.*—We could not get worse.

“ Pat Murphy, of Rath. We should go to hell to find him (roars of laughter).

“ Mr. Sheehan counselled them to persevere firmly in their just demands, to act with courage and determination, as they had done to-day, and victory would be theirs in a short time.”

I should like the whole of it put upon the note, and the rest I will not read.

(Sir C. Russell.) You had better read the lot.

(The Attorney-General.) The whole article had better be put on the note. I have only taken short extracts from it.

(Sir C. Russell.) Will you read it all?

(The Attorney-General.) Not now.

“ Mr. Michael Healy next addressed the people in a brilliant and stirring speech, and the immense crowd shortly after dispersed quietly and peaceably, cheering loudly for Mr. Daly, Mr. Kane, and the National League.”

14,781. Do you remember anything happening with reference to the Furies National School?—Yes.

14,782. Was there anything in the “ Kerry Sentinel ” about that?—Yes, my bailiff, Gloster’s children used to go to school, and immediately after the sheriff’s sale, referred to in the “ Kerry Sentinel ” of the 10th of November 1885, the school was boycotted. All the children left, save and except Gloster’s two children.

14,783. Do you know whether the boycotting of the Furies National Schools is reported in the “ Kerry Sentinel ”?—Yes.

14,784. Can you give me the date?—It is in the paper of the 13th November 1885.

(The document was put in and read, and was as follows) :—

“ Boycotting a National School.”

“ On Tuesday last, the children of the male and female schools at Furies, numbering about 500, left in a body, in consequence of the children of the notorious Arthur Gloster, one of Lord Kenmare bailiffs, who is boycotted, being attending the school. The children marched along the roads singing ‘ God Save Ireland,’ and groaning for Gloster. The same was repeated on subsequent days, and not one single scholar has remained in the schools, and the teachers’ occupation, like Othello’s, is gone. The utmost indignation is expressed against Gloster in the district, in consequence of having served a number of writs, and assisted in the seizure of cattle for rent on the Kenmare Estate.”

14,785. That was in the same paper as the report of the sheriff’s sale?—Yes, it is a paragraph out of the newspaper.

14,786. In connexion with the Reverend P. O’Connor, were there any notices given to the tenants of Castleisland? Did you yourself see them?—No, except as it was reported to me.

14,787. Reported to you by the tenants?—It was reported to me; I could not say by whom.

14,788. Do you now produce a letter from Timothy Counihan, of Clounlara?—Yes.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,789. Read the letter first, and then you shall explain what you did in consequence.

(The letter was put in and read, and was as follows):—

“SIR,

“Clounlara, Nov. 11th, 1885.

“You would confer a favour on me if you would send me a receipt for the 18l. I paid you in account of my rent on the 23rd October, without including the word ‘account’ or ‘balance’ in it, as I am reported to have the rent paid, and am bound to produce some proof of not having done so, beyond the valuation before the public on Sunday next. The balance I will soon pay. Your compliance will oblige,

“Your obedient Servant,

“TIMOTHY COUNIHAN.

“To Maurice Leonard,

“Killarney.”

P.S.—The same date will do, and will send the other receipt if you wish.

14,790. Did that man come and see you?—Yes, about five hours after I got that letter.

14,791. He came and saw you?—Yes.

14,792. Did he tell you what he wanted himself?—Yes.

14,793. What did he say?—He said he was summoned before the Firies League for having his rent beyond the valuation.

14,794. What did he ask you to do?—He asked me to give him a clear receipt for the 18l. he had paid me, and hat he would pay me the balance in a few days, in order that he would be able to say the had only paid his rent at the valuation.

14,795. And you did it?—I gave him a receipt.

14,796. The rent at the valuation being smaller, of course, than the amount of rent he was paying?—Yes, Father O’Connor having before advised them in Killarney to pay nothing beyond the valuation.

14,797. Did he tell you that?—I heard him make the speech in Killarney.

14,798. You say Father O’Connor had advised the tenants to pay nothing beyond the valuation?—Yes, at the meeting at Killarney on the Fair Hill one evening about half past five o’clock.

14,799. Were you there?—Yes.

14,800. You heard him?—Yes.

14,801. He says here “before the public on Sunday next,” and you told me he told you it was the Firies branch of the Land League?—The National League.

14,802. Used the National League meetings to be held on the Sunday?—Every second Sunday.

14,803. Did that man pay you the balance of his rent afterwards?—Yes, he did.

14,804. What sort of position was that man Counihan in?—A very comfortable man.

14,805. Had he paid his rent previously?—Always.

14,806. And subsequently?—Yes.

14,807. Had you a tenant at Renasup named John Herlehy?—Yes.

14,808. What sort of position?—A comfortable man.

14,809. Had he previously been in a position to pay his rent?—Always; his rent is clear to the present date.

14,810. Just produce the first letter from Herlehy. I think it is 7th November 1885?—Yes.

14,811. From Renasup, near Gneeveguilla?

(The letter was put in and read, and was as follows):—

“Renasup,

“Gneeveguilla,

“County Kerry,

“November 7th 1885.

“DEAR SIR,

“I ENCLOSE a draft in the National Bank for 13l. 10s., payable at Killarney, being the amount of one gale of rent. You will please send a receipt to my

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ address. I have to request that you will keep this matter a dead secret, as it is
 “ very necessary that it should not be made public, and that when sending the
 “ receipt the Estate Office brand be not marked on the envelope. Hoping you
 “ will kindly oblige.

“ I remain, very truly yours,

“ JOHN HERLEHY.

“ To Mr. Maurice Leonard.

“ P.S. Please address the letter containing receipt ‘ John Herlehy, Renasup,
 “ Gneeveguilla, County Kerry.’ ”

14,812. Had you heard from any other tenants anything about the post office?—Oh, Yes.

14,813. What had they said to you?—They said it was not safe; they believed their letters were tampered with at the Gneeveguilla Post Office, and it was not safe to send them in my handwriting there.

14,814. Sir Charles Russell wishes you to mention a tenant who said that?—John Killigher of Glornagristeen, John Herlehy, of Reanasup, and Con. Casey of Connigar.

14,815. On the 26th December 1885, did you receive another letter from Herlehy?—Yes.

14,816. Look at the beginning of the letter: “ I beg to inform you that I received
 “ in due time the writ you kindly sent me by post.” Had anything passed between you and Herlehy about a writ before that letter was sent?—Yes, on the 4th November 1885, I had occasion to bring writs against every man in the townland of Reanasup, Herlehy among the number. The very day the writ was issued in Dublin I received Herlehy’s letter with his rent.

14,817. I think that is the same date as the letter you read?—Yes, the very same date, so I sent back a receipt to Herlehy, and charged him only 2*l.* for the writ that was served.

14,818. You subsequently received this letter?—Yes.

(The letter was put in and read, and was as follows):—

“ Reanasup,

“ Gneeveguillea,

“ Rathmore,

“ December 26th 1885.

“ DEAR SIR,

“ I BEG to inform you that I received in due time the writ you kindly sent me
 “ by post. I also wish to let you know that I removed my hay and cattle from
 “ my own land, as others in my neighbourhood have already done. Now I have
 “ another favour to request of you, and that is to sell my farm by sheriffs’ sale if
 “ the farms of William Fitzgerald, Reanasup, Batt Cronin, Newquarter, or
 “ Carhoonse, and John Mahony, Banard, be sold in that manner. And also
 “ whatever notices of sale or other legal document you send by post or by
 “ Mr. Patrick Cronin to these three farmers, who are already served with writs, I
 “ have to request that you send the same notices and in the same manner to me.
 “ But if you should have any private business with regard to this matter, which it
 “ would be necessary for me to know, you will please send it enclosed in an
 “ envelope to Miss May Herlehy, Commercial House, Main Street, Kanturk. This
 “ girl, who can be implicitly trusted, is my daughter, and she will send to me
 “ immediately whatever accounts she receives. The reason I wish the private
 “ letters not to be sent direct to myself, is that I strongly suspect Killarney
 “ letters may be tampered with at Gneeveguillea or Rathmore Post Office. I
 “ enclose one envelope addressed as above for convenience if required. Dear sir,
 “ I have confided to you the whole secret of this business since the commence-
 “ ment, and I trust you will help me out of this terrible difficulty in the manner I
 “ have requested, even should the form be not entirely lawful. I will only be too
 “ happy to pay all the expenses incurred at the earliest opportunity. I may tell
 “ you that if it were known with certainty that I had my rent paid, my life would

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ be in the greatest danger. Hoping you will kindly oblige, and keep this matter,
 “ as I have written before, a dead secret,

“ I remain dear sir your obedient servant,

“ JOHN HERLEHY.

“ Mr. Maurice Leonard.”

14,819. That man had paid his rent?—Yes, on the 7th November.

14,820. (*Sir C. Russell.*) Have you got the envelope?—I think it is pinned inside (*passing the document*).

(*Sir C. Russell.*) Yes.

14,821. (*The Attorney-General.*) That man had paid his rent and had paid the cost of a writ which you had served upon him?—Which I had ordered for him.

14,822. Which you had issued for him; you are quite right. What had happened with regard to these other tenants whose farms were about to be put up for sale? Had they not paid?—They had not paid. I had to sell out their farms under a sheriff's sale, bring in an ejectment, stick 16*l.* or 17*l.* costs in addition to the rent, and then they paid me.

14,823. This Mr. Herlehy wished to be put in the same position as were people who had not paid their rent, and process was going against their farms?—Yes.

14,824. I notice he says here, “ I also wish to let you know I removed my hay and cattle from my own land, as others in my neighbourhood have already done.” Was he not allowed to take his hay off the land according to the terms of the tenancy, or what?—Not at all, but the Land League there issued directions to the tenants who were sued for their rent —

14,825. (*Sir C. Russell.*) Did you see those?—No.

14,826. (*The Attorney-General.*) Stop for a moment. I will take it in the way my friend suggests—to avoid distress, as I understand?—Seizure.

14,827. Had any notices been issued by the Land League so far as you know, or not?—Except the general order—the rumour of the general order in the district.

14,828. However, be it as it may, this man who had paid his rent acted in the same way as a number of people who had not paid their rent?—Yes.

14,829. On the 2nd February 1886, did you receive another letter from him?—Yes.

(*The letter was put in and read, and was as follows*) :—

“ Reanasup, Gneeveguillea,

“ Rathmore,

“ February 2nd, 1886.

“ DEAR SIR,

“ I beg to inform you that I received on Monday the 25th ult., the registered letter you kindly sent from the estate office, to the effect that my farm would be sold by sheriff's sale at the Court House, Tralee, on the 13th of the present month, the date first written was the 6th February, but this was crossed, and the 13th written overhead. I have also to state that William Fitzgerald, of Reanasup, and Batt Cronin, of Newquarter or Carhoonol, received on the same day letters to the very same effect, but here is a terrible difference. These two farmers, and three or four others from near Rathmore, received on yesterday printed forms from the sheriff's office, Tralee, stating that those farms with the several others, about fourteen in all, would be sold at the Court House on next Saturday, 6th February, but my name did not appear in the printed list. Again, the leading members of the Gneeveguillea Branch of the National League obtained some time ago an account from Dublin that judgment had been marked against William Fitzgerald and Batt Cronin, and also the Rathmore tenants whose names appeared in the Sheriff's list sent to each on yesterday. No judgment was then marked against me. These two facts place me in a dreadful difficulty. You have kindly sent me a writ and a notice of sale, as I earnestly requested, but I greatly fear that you have mistaken to order judgment to be marked against my case in Dublin as if I paid nothing, and consequently my name is not in the Sheriff's list of the farms to be sold at Tralee on the 6th February. Now, sir, I have to again

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ request and beseech you in the most earnest manner to send an order at once
 “ to the Dublin Court and get judgment marked against my case, if it is not
 “ already done, and get my farm legally sold, if at all possible, at Tralee on the
 “ 13th inst., or as soon after as possible, in the same manner in every respect as
 “ all the other farms have been sold. You may consider me too persevering
 “ in writing thus, but, sir, you should kindly remember that I have as above
 “ stated received two documents from the estate office, and, being suspected before,
 “ should these turn out to be false, what then would be the consequence, I have no
 “ hesitation in saying that my life would be seriously in danger in these desperate
 “ times and this still more desperate district, when every farmer in my townland
 “ is ejected in court and expecting eviction. As I have previously stated, I am
 “ more than willing to pay all expenses incurred. You will please send a reply
 “ for safety to my daughter’s address in the enclosed envelope. I have again to
 “ implore you to act kindly, as I have requested, or in some other manner which
 “ yourself may know, in which it would be believed I paid no rent for the present
 “ gale to save me in these terrible times from personal violence or, worse still,
 “ from boycotting, for which I will ever feel thankful, and perhaps may at some
 “ future period kindly repay your kindness and consideration. Wishing to be
 “ excused for the length of this letter, which you will please keep a dead secret.

“ I beg to remain, dear sir,

“ Your most obedient servant,

“ JOHN HERLEHY.

“ Mr. Maurice Leonard.”

14,830. Did you do anything with reference to that man’s farm in consequence of his request?—I gave notice of the sale of his farm, and then I adjourned the sale, and the tenant settled in the meantime whose farms were sold properly, and it died out.

14,831. I will come to that then, if you please. You adjourned the sale of the farms of the tenants which were properly sold?—No. I served notice of sale of John Herlehy’s farm, and then when it was put up for sale, of course, I could not go on with it because it was not a legal process. He did not go through the legal process; so I applied to the Sheriff to adjourn the sale openly in public court.

14,832. Now the three names mentioned as persons whose farms you were about to sell were William Fitzgerald, Batt Cronin, and John Mahony?—Yes.

14,833. Some others are mentioned, but their names not given. Were those people in a position to pay at the time of the sales?—Certainly.

14,834. Did they subsequently pay?—Yes, with costs—16*l.* or 17*l.* costs, in addition to their rent. It was a most cruel proceeding of the National League at the time.

14,835. That is to say, the result of this was that these tenants who remained in occupation did have to pay to the estates a very considerable amount of costs?—Certainly.

14,836. Now, I will take you, if you please, to the case of Patrick Lynch, of McMullane?—Yes.

(The following letter was put in and read by the witness, as follows):—

“ Mr. LEONARD, McMullane.

“ DEAR SIR,

December 24th, 1885.

“ I have enclosed two cheques for rent on account for myself and Timothy Sheehan, of Rathmore. My cheque is 23*l.*, and Timothy Sheehan’s cheque is 10*l.*, which you will please receive on account, and stop all further law proceedings, as you are well aware how dangerous it is for us to do so in paying so much, which at the present time we could not on any account pay any more at present. Please send an acknowledgment by post to each.

“ I am dear Sir,

“ Yours respectfully,

PATRICK LYNCH.”

“ Scrahanaffadda.

14,837. Had you a tenant named Jeremiah Murphy?—Yes.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(The following letter was put in and read by the witness, as follows):—

“ DEAR SIR,

“ Gneeveguillea, Rathmore,
December 26th, 1885.

“ I have to earnestly request that you send by post to me at your earliest convenience, a notice to pay the November rent. You will please state that you would have me served already for its recovery, were it not for the decent manner I behaved in the payment of the arrears due of McSweeney at the time I purchased the farm. You will, I trust, kindly oblige, as the state of this part of the country is so desperate that a man's life or property is not safe at the present time.

“ I remain, dear Sir,

“ Your humble servant,

JEREMIAH MURPHY.

“ To Maurice Leonard, Esq.

14,838. Do you remember, whether or not Murphy had paid that November rent?—A month before.

14,839. He wrote to ask you to give him a notice to pay it?—Yes.

14,840. I do not want to get out of date, but there is a case which I do not think has been given to me; it was a case of Jeremiah Sheehan?—Yes. Mary Dooney was evicted in 1886.

14,841. What time in 1886?—About 1886: she came to me in 1887.

14,842. Forgive me a moment. Did what happened to Jeremiah Sheehan happen after 1886?—Yes, in 1887.

14,843. Then, please, leave it for a moment. Did you have a tenant named John Horan?—Yes.

14,844. Do you produce a letter from him of the 10th April 1886?

(Sir C. Russell.) Could you give me, conveniently, the long letter of John Horlehey (the letter was handed to Sir C. Russell).

(The Attorney-General.) I am about to read a letter from——

(The Witness.) What about the writ in Herlehey's case?

14,845. You need not trouble about that. You have got the writ you served?—Yes.

14,846. You stated you did serve it?—Yes.

(The letter was put in and read by the witness, as follow):—

“ DEAR SIR,

Rathmore, 10th April, 1886.

“ Enclosed you have a draft on the National Bank, Killarney, (then that is crossed out, and put over it) on the Provincial Bank, Cork, for 13l. 13s. 3d., amount of the last November gale, after deducting poor rates and abatement, the receipt of which I also enclose. I should not think it safe for me to go to Killarney, on account of the rent agitation that prevails at present. Please send me the receipt by post to Farranfore.

“ Yours faithfully,

JOHN HORAN.”

“ Maurice Leonard, Esq.,

“ Estato Office, Killarney.

14,847. Do you remember whether that man had previously paid?—Oh, yes, regularly; the rent was paid up to date.

14,848. Now, had you a tenant named Edmund Casey. I think you mentioned him before?—Yes.

14,849. Do you produce a letter from him, Coningar, 24th April 1886?—Yes.

(The letter was put in and read by the witness, as follows):—

“ HONOURED SIR,

Coningar, April 24th, 1886.

“ Whoever (I think it is) will reach you this enclosed an answer on writing where and at what time during the day I can see you in private outside of the office in order to let the people scatter. I will wait for the last train to Farranfore, so you can fix the most convenient place I can see you at leisure. It would not be safe for me to go near the office. Travel Ireland and you will

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ not meet a greater set of blackguards than there is around me. I have some
 “ money to give you belonging to a neighbouring old woman with whom I am
 “ on friendly terms. I have some money to give you myself also as well as to
 “ speak about some other matters. Be sure that the message will be private, as
 “ I don't know who I may give it to. Whether you would put some recent date
 “ in my book for the last rent. Put a stamp or more in your pocket.

“ Yours sincerely,

“ M. Leonard, Esq.

EDMUND CASEY.”

14,850. Now, do you remember seeing that man?—Yes, I met him in the smoking room at the railway hotel that night.

14,851. Did he pay you money?—He did.

14,852. For himself?—Yes.

14,853. What for?—For rent.

14,854. Did he pay the money for anybody else?—He did.

14,855. More than one?—One more.

14,856. Was that all for a tenant who had previously paid you openly?—Yes.

14,857. Do you remember whether he took a receipt, or whether you did not give him a receipt?—I receipted his book for the previous gale, altering the date in it as requested, and I gave him a memorandum receipt for the money he paid me.

14,858. That is to say, you did not put into his pass book, as you call it, the last payment he had made?—No.

16,859. Did he tell you any reason why he did not wish it put into the pass book?—He said he was afraid.

14,860. I think I asked you yesterday; this custom of pass books is well known to the people?—Yes.

14,861. It is a common system?—Yes.

14,862. Did you on the 28th September 1886 receive any letter from him?—Yes.

14,863. Produce it, please?—September.

14,864. September is the date given to me. It begins, “Honoured Sir, unless
 “ prevented”—the other is only a small one?—Yes.

(The letter was put in and read by the witness):—

“ Coninger,

September 28th, 1886.

“ HONOURED SIR,

“ Unless prevented by something unforeseen, I will meet you in the ‘Railway
 “ ‘Hotel’ the evening of the 1st October, Friday next, to give you some money.
 “ I have some business to the fair of Castleisland that day, so I find it the best
 “ opportunity to slip in by the evening train from Farranfore, which reaches
 “ Killarney a little after six in the evening. In case anything may take you
 “ away on that evening, let me know in some form, as I have no other business
 “ but to see you. If you want to stop me of going that evening, drop a line to a
 “ man named James Lyons, Castleisland, for me, and I will call there; or if
 “ Mr. Doran goes to the fair, tell him you will be in Killarney, or not, that
 “ evening. I find it better to go in the most private manner, fearing a repetition
 “ of last year's work. It would be impossible for me to leave this place any
 “ other day, without being spotted by the class that are in one yard with me here,
 “ so that I would wish to have them in the dark about the matter. Let everybody
 “ do his own work. I would very badly want to see you about the state of the
 “ water course or courses here. It would be difficult for me to find words to
 “ describe. Long before boycotting was general in Kerry, I had ample
 “ experience of it in many ways. The reason the water-courses are let closed up,
 “ is to block me up and keep me idle, so that I could not drain or manure.
 “ There are several parties between me and the river, so that I am completely
 “ blocked up, unless he give me something in the shape of relief. To not work
 “ is idle. It would be as well for a person not to have had land at all, unless he
 “ is doing something in the shape of improvement. What land I have is a
 “ regular swamp; reclaimed and improved bog land, so that I would have no
 “ business neglecting it. Mr. Doran was badly able to work it four years since.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ It is a hard case that a man would not be allowed work or pay, if others could prevent him.

“ Yours sincerely,
“ EDMOND CASEY.”

14,865. Do you remember whether you met him?—Yes.

14,866. Did he pay any rent?—Yes.

14,867. For himself, or anybody else?—Yes.

14,868. For anybody else?—Yes, the widow Donnelly.

14,869. I will now take you, if you please, to the case which I took out of order of date, Jeremiah Sheehan, the person you mentioned who gave up some land?—Mary Foomey was evicted in the early part of 1886, and re-admitted as caretaker in the latter end of 1887. She came in and asked permission to sell her interest in the farm. I gave her the permission, and Michael Warren, the auctioneer in Killarney, put it up for sale.

14,870. Who bought it?—It was bought by Cornelius Sheehan, of Tillancoora.

14,871. Is that the same Jeremiah Sheehan?—Jeremiah Sheehan; it was the old father bought it.

14,872. Who went into possession?—Then a man of the name of Collins, who also bid for the farm, claimed it as well as Sheehan. They both came into me with the auctioneer, and I decided to give it to Sheehan, who held the adjoining farm, and he paid 150*l.* to Mrs. Foomey, and went into possession. A few days afterwards he brought me in that threatening notice, and asked me to give him a revolver, which I did.

14,873. Read the notice?—Yes. It is as follows:

“ Men of Cork and Kerry. Take notice that Jeremiah Sheehan, of Tillancoora, has grabbed a farm contrary to the wishes of the national party, from the notorious Lord Kenmare’s agent. Any person valuing his life is requested to shun him. God save Ireland.”

14,874. Did any of the tenants produce to you a National League card?—Yes.

14,875. Just produce them please?—Yes. (*The witness produced cards, which were handed in, and some League cards.*)

14,876. How many of them are there altogether?—I have got four; I think Mr. Soames has got two more.

14,877. How did the tenants come to give you these cards?—They came to pay me the rent, and I found the card in the pocket of their pass book, and I asked them to leave the card with me, and they said, You may keep it, sir.

14,878. Did they say anything as to that at all; how they came to show the card on the occasion of their paying their rent?—No.

14,879. They simply produced the ticket?—No; they left it in the pocket of their pass book. I took up their pass book and looked at it, and saw the card, and I asked them to give it to me, and they left it.

14,880. You have referred to a number of letters, and to this statement about not paying rent?—Yes.

14,881. And to the letters that have been written about the various things referred to in the letters. During the years which these letters refer to, by which I mean 1881 and 1882, and 1885 and 1886, were there any other organisations that were preaching the non-payment of rent besides the Land League and the National League?—No.

14,882. Now, it is suggested that this intimidation, whatever it was, was the work of some secret society, and not of the Land League and the National League; do you believe it?—It was the work of the National League and the Land League, and the National League in the district of Rathmore, Gneeveguillia, Barraduff, Kileummin, Farranfore, and a portion of Killarney; there is another portion of Killarney which is mixed up with the secret society at Castleisland, which is a different bit altogether.

14,883. Now, with reference to your evidence in this matter in connexion with the estate that you were managing, give me the names of the branches of the National League or the Land League that there were in the various years, and when they were formed. I will take them in the order given to me, and you shall give me the names of the chairman or president. Was there a branch at Rathmore?—Yes.

14,884. Who was the president of that, that is the Land League in 1881 I am speaking of?—Patrick McCarthy of Stagmount.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

- 14,885. Was there a branch at Barraduff?—Yes.
(Sir C. Russell.) Rathmore is the first.
- 14,886. *(The Attorney-General.)* I am dealing with the Land League first; who was the president?—Patrick McCarthy of Stagmount.
- 14,887. Was there a branch at Barraduff?—Yes.
- 14,888. Only mention those in the neighbourhood of the property of Lord Kenmare?—These are all on the property.
- 14,889. Who was president of the Barraduff branch?—John Callaghan; and then O'Connor, and John Kelly was looked upon as president subsequently. Then there is the Gneeveguillia branch of the National League.
- 14,890. You call it the National League, I think?—No; that is the League. Timothy Casey of Gneeveguillia and John Connor of Gneeveguillia, secretary.
- 14,891. That branch, later on, became the National League.
- 14,892. *(Sir C. Russell.)* Are those all the branches?—No.
- 14,893. *(The Attorney-General.)* In reference to this branch, were any other persons afterwards officers?—Yes.
- 14,894. Later on?—Yes; Jeremiah Sullivan of Cavan.
- 14,895. Who was he?—Sullivan of Gneeveguillia, he was chairman, and John Connor of Tooreerawcult was secretary.
- 14,896. Was that the same John Connor?—No, a different man; he lives in a different townland.
- 14,897. Now Ballyhar?—Martin Lyne was chairman.
- 14,898. Was that the National League, or the Land League?—It was both.
- 14,899. Fieries we have mentioned several times?—The Rev. Patrick O'Connor.
- 14,900. That is the man who made the speeches?—Yes.
- 14,901. Was that both the Land League and the National League?—Oh no, for the National League, not the Land League.
- 14,902. The Fieries branch?—All the National League, not the Land League.
- 14,903. What year are you speaking of?—I do not think Father O'Connor was chairman of what they call the Land League in 1881; I know he was chairman of the National League which was got up in the parish in 1885.
- 14,904. Now, at Killarney, was there both the Land League and the National League?—Mr. Sheehan—
- 14, 05. Answer the question first, was there both the Land League and the National League at Killarney?—Certainly.
- 14,906. Who was the officer of that?—Mr. Sheehan, M.P., was the chairman, and Mr. Lyne was the vice-chairman.
- 14,907. Was that of both the Land League and the National League?—Yes.
- 14,908. Kilcummin?—Mr. David Healy was chairman, and I am not certain who was the secretary at Kilcummin.
- 14,909. Was that both of the Land League and National League?—Yes.
- 14,910. I do not know if there are any others you remember?—Those are all.
- 14,911. Now, what I want to ask you, if you please is, were those branches mere paper organisations, or were they active?—Oh, they were most active. They used to meet every Sunday after mass, except Fieries, and that used to meet every second Sunday.
- 14,912. Now, you said that there was, I think, a part of Killarney which had some connexion with some secret society at Castleisland?—Yes, I have reason to believe there are four or five fellows in the immediate neighbourhood of Killarney, who are connected with a secret society in Castleisland.
- 14,913. I do not want you to mention their names, but do you know their names?—I do.
- 14,914. Speaking of the outrages to which you have referred, and of the intimidation, do you believe them to have been caused by any secret society?—Certainly not.
(Sir C. Russell.) Which do you mean?
- 14,915. *(The Attorney-General.)* I will ask as to both. First, do you believe the outrages to have been caused by any secret society?—Certainly not.
- 14,916. Do you believe the intimidation to have been caused by any secret society?—Certainly not.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued]

14,917. I must ask you the question, for I want it in this connexion, and I apologise if I have asked it before, was there any society preaching non-payment of rent, except the Land League or National League?

14,918. (*The President.*) You asked it before?—No.

14,919. (*The Attorney-General.*) You are able and willing to give any information with regard to the tenants on the estate?—I court it.

14,920. Now, with regard to the letting back of these people as caretakers, just tell us what was the number in this year of the people actually put out from their holdings?—There are, I may mention, 2,000 tenants on Lord Kenmare's Kerry property. From 1874 up to the year 1880, there were only two tenants permanently evicted, and there were 43 put out, and re-admitted as caretakers.

14,921. (*Sir C. Russell.*) How many were evicted?—Two permanently evicted, and 43 put out, but let back as caretakers.

14,922. (*The Attorney-General.*) In 1881?—In 1881 there were five permanently evicted, and 15 let back as caretakers.

14,923. 1882?—In 1882 there were three permanently evicted, and 96 let back as caretakers.

14,924. In 1884?—In 1884 there was one permanently evicted, and 68 —

14,925. (*Sir C. Russell.*) He has passed 1883?—In 1883 there were two permanently evicted, and 17 let back as caretakers.

14,926. (*The Attorney-General.*) 1884?—In 1884 there was one permanently evicted, and 68 evicted and let back as caretakers.

14,927. (*Sir C. Russell.*) Repeat those figures?—One permanently evicted, and 68 evicted and let back as caretakers.

14,928. (*The Attorney-General.*) 1885?—In 1885 none permanently evicted. There were 44 evicted and let back as caretakers.

14,929. 1886?—One permanently evicted, and 48 evicted and re-admitted as caretakers.

14,930. 1887?—In 1887 there were four permanently evicted, and 50 re-admitted as caretakers.

14,931. 1888?—In 1888, up to the present date, there was one permanently, and three evicted and let back as caretakers.

14,932. I do not know whether you can tell me actually the particulars, perhaps if not, you can give me an estimate of the proportion of the tenants evicted, who settled with their landlords amicably?—They all settled except these 19 permanently evicted tenants.

14,933. Now I wish to ask you, and listen carefully to my question, not pretending to speak for every case, but, speaking of these tenants generally, were they persons able to pay or were they not?—The great majority of them were.

14,934. Were they by any means the poorest persons on the estate?—Certainly not.

14,935. Do you find resistance to payment or difficulty in getting payment occur solely in cases where there was the most distress or not?—Not at all; they were people well off where most resistance was shown.

14,936. Do you believe that these outrages from non-payment of rent which you have referred to, were the result of simply distress and inability to pay?—Not all.

14,937. Now there is a matter, I do not know that I need go into it at present, but if necessary you can give Sir C. Russell the particulars of people who were in arrear who did not ultimately pay?—Certainly.

14,938. Now, speaking of the tenants themselves, you went among them?—I know them intimately.

14,939. And saw them from day to day, and month to month, as the case may be?—Oh, yes.

14,940. When you got these tenants by themselves, did they apparently show any hostility to you?

(*Sir C. Russell.*) We must not have these details in general language.

(*The Attorney-General.*) This is a question that can only be answered generally.

(*The President.*) I think it can be put.

14,941. (*The Attorney-General.*) Did you find the tenants display any hostility to you or the landlord when you got them by themselves?—Up to October 1881, the tenants were most friendly, and when we went out on the farm, they would chat and talk to us, and tell us the last gossip in the neighbourhood; but after the Land League

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

in 1881 was started, when we used to go out, they would scowl at us, and set their dog at us when we passed along the road.

14,942. How long did that last?—Until the latter end of 1883.

14,943. After 1883, up to some later date, what terms were you on?—We were on very good terms until January 1886, when the National League again attacked the estate, and then it is the same repetition again, scowling at us when we pass, and booing and blowing horns and insulting us in every way they possibly could when we pass over the estate.

14,944. Is the National League powerful in your district now or not?—Yes; it is just as powerful as ever.

14,945. What terms are you on now?—The Plan of Campaign is sprung on me now, and of course it is the fight over again.

14,946. One question about the evictions, did you find any difference in the way you had to carry evictions out in these years 1881 and 1882, and 1885 and 1886, to what they were previously?—Yes, up to 1881, the sheriff would drive all over the estate with the bailiff and get possession quietly, but after 1881, in October, we had to bring 180 troops or soldiers, and about 200 police to the evictions.

14,947. Was that the same kind of resistance. I do not mean to all the evictions, when the Land League and the National League was in force?—Yes, in January 1886, I had to evict Mr. MacMahon, of Bushmount, and I had to bring 400 troops to protect me there, and he came the following morning.

14,948. Do you remember whether there was any difference when you had to carry out evictions in the year 1883, or I will take 1884, which is the date the Land League was not there?—The sheriff was able in 1884 to go over the estate with four policemen.

Cross-examined by Sir CHARLES RUSSELL.

14,949. I understand almost your last answer to be that the National League is as powerful as it ever was?—Certainly.

14,950. Probably more so?—I could not say more so.

14,951. You mean to say it was so powerful that it could hardly be said to be more powerful?—Exactly.

14,952. And are the great majority of the people in the neighbourhood with which you are acquainted members of it?—Yes.

14,953. People of all classes?—All the farming class.

14,954. And shopkeepers, as well, in towns?—Yes, some shopkeepers.

14,955. Of course, there are some exceptions; but, generally speaking, the farming class and the shopkeeping class in the towns?—Yes.

14,956. Respectable people and people you would not think otherwise than highly of?—Yes, most respectable people.

14,957. In fact, practically, may I say all the respectable people, except the landlords and the attachés of the landlords?—Well, there are very respectable people, and a great many rough ones too.

14,958. I suppose, even among the landlord class, you would not use that expression, perhaps, but there are degrees of merit even in their body, I suppose?—That is a matter of opinion.

14,959. I should like to ask one or two general questions: first, you have read to-day and yesterday a number of letters; this is not the first court of inquiry in which those letters have figured, is it?—No.

14,960. They were all trotted out, read, I had better say, they were all read by you when you were giving your evidence before the Cowper Commission?—A portion of them.

14,961. Tell me any that were not read?—I think there were very few that I read; I think when I went through a certain number, the Commissioners stopped me, and said that they had had enough.

14,962. Tell me what it was you did not read?—I read all I have read for the last two days here, but I know quite well before the Royal Commission they stopped me, and said they had had sufficient.

14,963. Tell me what you did not read before that Commission. I suppose you read the cream of the correspondence?—I read them as they came, as I had them arranged.

14,964. At all events, it was a fairly strong sample?—Perhaps so.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,965. I was a little struck with some of these letters, and would like to ask a question or two about them, a general question or two first; you have read several this morning?—Yes.

14,966. I do not pledge myself to the exact number, but several, some four or five, perhaps six?—Yes.

14,967. Which were written in 1885, 1886?—Yes.

14,968. Am I right in saying that, with those exceptions, all the others were written in 1881?—1881 and 1882, I think.

14,969. Will you just refer me to any in 1882, or rather I had better fix a date; this will answer my purpose: were they all either in 1881 or before May 1882?—They were, in the latter end of 1881, and I think before May 1882.

(*The Attorney-General.*) There are several in 1882, Sir Charles.

(*Sir C. Russell.*) Very well, I will take it so, in the early months of 1882.

14,970. So that it stands thus: a number of letters written to you in 1881, and in the early months of 1882, and then some half-dozen written to you in 1886?—1885 and 1886.

14,971. Then the intervening period is a blank, so far as this class of correspondence is concerned?—Yes.

14,972. That is to say, after the early months of 1882 up to 1885, 1886, you were not favoured with correspondence of this kind?—No, the tenants paid me openly.

14,973. I will come to that in a moment or two. I want to get the facts first; tell me, did it happen that you saw some of these correspondents of yours before they wrote their letters?—Certainly not, certainly not, I did not see them.

14,974. None of them?—None of the tenants before they wrote the letters. Is that your question?

14,975. That is my question?—Certainly not, except in the ordinary way of paying rent, I have seen them occasionally.

14,976. I do not say whether it was an ordinary or an extraordinary way, but you saw them?—In the ordinary way of paying rent, six months before.

14,977. Are you sure; I will take Herlehy, for instance. Are you sure you did not see Herlehy before receiving any of those letters?—I will tell you the exact date I saw Herlehy; it was on the 18th of December 1885, when he came into the office, and asked me to send him that writ. I got a letter from him on the 7th of November, and on the 18th of December 1885 Herlehy came into the office, personally, and asked me to send him a copy of this writ in my hand, which I did.

14,978. I want to know the date of his visit when he asked you to serve the writ?—The 18th of December 1885.

14,979. Herlehy was a man very well to do?—Very comfortable.

14,980. And so are several, probably all of those other correspondents?—Yes, they are.

14,981. You know, do you not, rightly or wrongly as to which—I am not asking your opinion for the moment—that one of the movements of the tenants was that all should go in, the richer standing by the poorer. That was one of the objects, was it not?—Yes, I think I heard that. Yes, I heard that.

14,982. No doubt you heard it?—Yes.

14,983. So that by the richer and wealthier tenants amongst them standing with the poorer, they should all, as it is called, “present an united front”?—Yes.

14,984. I may take it that you were not a member of the Land League?—No.

14,985. Nor a member of the National League?—No.

14,986. You were fighting against both?—Certainly.

14,987. And picking up the best crumbs of evidence against both that you could lay your hands on?—No, I was not; they gave me any amount of trouble, the National League and the Land League, they gave me serious trouble on the estate. That is all I know about them.

14,988. But you began your evidence yesterday by telling us this, in answer to a question that was put to you, I think: “Are you acquainted,” you were asked, “at any rate, so far as public acts are concerned, with the doings of the Land League and the National League during the time the Land League and National League were in force over County Kerry?” (A.) I made it part of my duty to know all about them?—Yes, that is a fact.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

14,989. That is true?—That is a fact.

14,990. Then I was not wrong, was I, in saying that you did collect such information as you could about them?—Yes, I had to fight the Leagues: the National League, and I had first to fight the Land League in 1881, 1882, and 1883. Then it came to 1885, and I had to fight the National League. Then 1885, 1886, and 1887, and a portion of 1888.

14,991. I am not for the moment blaming you at all; I am asking you the question. You did, therefore, think it part of your duty to pick up all the information about either one or the other that you could?—Yes, because I should do it.

14,992. I want to know the fact?—Yes, certainly.

14,993. And you have told us, elaborately, we see, the result of your observations?—Yes.

14,994. And the information you gathered?—Yes.

14,995. I suppose you have known, in your experience as a land agent, a class of tenants who might be described as persons anxious to curry favour with the landlord?—A few.

14,996. None of your correspondents were of that class?—My anonymous correspondents are of that class.

14,997. We have not heard of an anonymous correspondent so far; none of your correspondents, whose letters have been read, were of that class?—No.

14,998. You think not?—No.

14,999. Will you kindly tell me, is Kerry in one union or in more than one union?—Several unions.

15,000. How many?—Listowel Union, Tralee Union, Dingle Union, Castleisland Union, and Killarney Union.

15,001. You have mentioned five?—Yes.

15,002. You are a magistrate, I think you said?—Yes.

15,003. The land agents generally are?—They are, as a rule.

15,004. And, as a magistrate, you are an *ex officio* poor law guardian?—Yes.

15,005. Have you any property in Kerry?—No; I have some house property in Listowel of my own.

15,006. None in the part in which you reside, Killarney?—No, 30 miles away.

15,007. What was the poor rate in the Killarney Union in 1878?—Well, Coom division was 5s. in the £; Kilcummin, 2s. 10d.; Killarney is about 4s.; and there was Busterfield division, I think, was 1s. 10d.; it varied from one to the other.

15,008. Can you tell us the average of the union in which Killarney is situated?—I should say the average is about 2s. 6d. to 2s. 9d. in the £.

15,009. Would you say so?—I think so.

15,010. Is Lord Kenmare's property wholly in the Killarney Union?—All in the Killarney Union, and all in the Barony of Maghera.

15,011. I do not quite understand this, then. You referred to one case yesterday, and you read a letter in connexion with it. Would you kindly refer to it again?—Patrick Lawlor of Droumadesart.

15,012. Not at all. Arthur O'Keefe?—Of Fort William.

15,013. Arthur O'Keefe?—Yes; Arthur O'Keefe, is it of Lisheen or Leansup, or where?

(*The Attorney-General.*) I am told it is at page 969.

15,014. (*Sir C. Russell.*) This is the letter:—"I enclose this cheque, to the amount of 27l. 17s. 6d., being rent due of my farm, the Poor Rate being 11l. 5s."?—I think in that case he was not allowed his Poor Rate the previous year, having this ticket; I think that is two year's rent.

15,015. Assuming that to be so?—I think that is what it is.

15,016. What was that man's rent?—I think his rent was 62l. a year.

15,017. It would apparently be 55l. according to you?—Then there is an abatement of 20 per cent.; he gets an abatement of 20 per cent. off.

15,018. Even that would not make it. However, you think that that was for two years?—I think so.

15,019. Can you verify that?—No; I do not know that I could. By telegraphing to Killarney, I could find out in a few moments.

15,020. I must take it for the present from your statement; you say that the average was not more than 3s. in the £?—About that, I think.

15,021. In what Union in Castleisland?—That is in Tralee Union.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,022. Do you know what the Poor Rate there was?—I do not, but I know it was very high; I always heard they paid in the £ something like close on 12s.

15,023. Then there was a great deal of distress in that neighbourhood?—In 1879 and 1880; the commencement of 1880 there was distress everywhere.

15,024. It was general in that county, was it?—Yes; we had a very bad Autumn and a very bad Spring.

15,025. As regards these ejectments of which you have spoken, and the figures, of which I will say something in a moment, can you give my Lords any idea of the total number of evictions in Kerry from 1879 to 1883?—I have given you the number of the total evictions.

15,026. You have given us on the Kenmare estate the total evictions. I want the total evictions in the County of Kerry?—I could not tell you that.

15,027. Could you tell us whether this would be, or not, true, that in 1879–80 alone there were above 3,000 evictions?—I could not tell you.

15,028. Is it your experience or not that evictions contribute to crime and disturbance?—A harsh eviction would.

15,029. May I say that evictions would?—Harsh evictions would certainly.

15,030. You have never probably known a harsh eviction?—No.

15,031. Then your opinion is that no eviction that you had anything to do with would contribute to disturbance or to crime?—Certainly not, and I would be glad if some person would point me out one.

15,032. I am not asking you what ought to be, I am asking you what is?—Yes.

15,033. Is it that you think that your evictions ought not to lead to disturbance and crime?—Certainly not.

15,034. Kindly listen. Is it that they ought not in your opinion to lead to disturbance or crime, or that they do not?—They ought not to have led.

15,035. Apart from what in your judgment they ought to lead to, you know it is true, is it not, to say that evictions do contribute greatly to the disturbance of the country?—Harsh evictions do.

15,036. Again we are going back to the point of “ought.” Do they not, in fact, contribute greatly to the disturbance of the country, and therefore to crime?—If the National League resist.

15,037. Kindly answer my question first?—Under certain circumstances they do, and the circumstances are, if the National League send out people, and blow horns, and assemble people at the evictions, of course that causes disturbance in the district.

15,038. In other words, you think that if the eviction is carried out quietly, and nobody resents, and nobody complains, that it ought not to cause disturbance?—Yes, it does not.

15,039. Very well, ought not and does not?—Yes.

15,040. What proportion of the evictions carried on on the Kenmare property were by what is known as Dublin Writs?—In 1885 we proceeded by writs instead of ejectments to fight the League.

15,041. I think you are misapprehending my question?—Not at all, Sir Charles, you want to know the proportion of writs served on the estate.

15,042. No, you do not follow me; writs are one thing; you may be suing for the rent in an action for debt?—Yes.

15,043. That would be by writ. I am speaking of Dublin ejectments as contrasted with the ejectments issued by the County Court?—*Habares*, you are referring to?

15,044. No, a writ of possession?—A writ of *Habares* is for non-payment of rent, for possession, with us.

15,045. How many of those were issued?—In 1875, there were 2 served on the estate; in 1878, there were 7 served; in 1879, there were 2 served; in 1880, there were 5 served; in 1881, there were 14 served; in 1882, there were 9 served, and in 1883 there was 1 served.

15,046. Go on?—That is all.

15,047. Were there no writs—writs of ejectment in superior courts in 1884, 1885, and 1886?—There were writs to seize their goods.

15,048. No writs of ejectment?—There were no *Habares* of ejectment; there were no writs of possession.

15,049. You do not really quite follow me. You may pursue an ejectment to the end, in which case you would have your writ of *Habares*, as you call it?—Yes.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,050. I am inquiring as to the proceedings of ejectments in the superior courts rather than in the county courts; are there any more?—Certainly not, I have given you all.

15,051. Now, about the writs in the superior courts for rent?—Yes, in 1885 we ceased to bring ejectments on the property to any large extent, and in 1885 there were 20 writs served; in 1886, 33 writs served; in 1887, 47 writs served; in 1888, 38 writs served.

15,052. I want you just to follow out the mode of proceeding then in these cases. What is the cost of the writ to begin with?—2*l.* 10*s.*

15,053. Were there any of those cases which were not within the jurisdiction of the county court?—Oh, yes.

15,054. How many?—Several; they were all within the jurisdiction of the county court.

15,055. That is what I was asking you. There were none of them that were not within the jurisdiction of the county court?—Certainly; they were within the jurisdiction of the county court.

15,056. Then I may take it that the costs in the county court would be very much less?—The costs in an ejectment would be about 2*l.* 19*s.* 10*d.*

15,057. Whereas the cost of a mere writ in the other court is 2*l.* 10*s.*?—2*l.* 10*s.*

15,058. I suppose I may take it from you that you proceeded in the more summary way to strike terror to the tenants?—No, the Land League were telling the tenants not to pay, and I had to take the most summary means I could.

15,059. The other would be as summary, but less expensive?—No, it would not be as summary, because I should have to wait for three months, and I could not get any ejectment out till six months afterwards.

15,060. You took that as being the more summary method of striking terror?—I had to do it to get the rent.

15,061. You did it?—Yes, from the action of the Land League.

15,062. And neither in cases of ejectment or in cases of suing for the rent were there any of those cases not within the jurisdiction of the County Court?—All within the jurisdiction.

15,063. I want you to follow out this course of proceeding, please. When you sue for the rent you get judgment?—Sometimes.

15,064. I mean where you succeed you get judgment?—Yes.

15,065. And you may either proceed to sell under the execution such chattels as the tenant has; that is one way, is it not?—Yes.

15,066. Or another way is to set up for public auction the interest that the tenant has?—Yes. When you send the writ to the sheriff he tries to make a seizure under that writ; if he returns “no goods” then we put up the farm for sale.

15,067. That is what I was going to say, and you know from the state of feeling in the country, or as you prefer to put it, from the action of the Land League or the National League, that there would be a very great improbability of there being any bidders?—Certainly.

15,068. Then the result is the tenant’s interest is bought in for a comparatively small sum?—Generally about 5*l.*

15,069. Although it may really represent a great deal more?—I know a man’s interest which was fixed by the Commissioners at 1,100*l.*, and it was allowed to go for 5*l.*

15,070. And the bidding is either the bid of the landlord or his agent?—Certainly, nobody else.

15,071. And then on that purchase he would have a conveyance from the sheriff of the tenant’s interest?—Yes.

15,072. And would be entitled to proceed to eviction on the title?—Yes.

15,073. And in that case there would be no proceeding for redemption?—No.

15,074. How many cases of that kind were there altogether on the estate from 1879 to 1886-87?—There was one in 1881, Daniel Crowley of Cloonteen, whom the League defended in Dublin by Mr. Roderick.

15,075. That you have already mentioned?—There was James Flynn’s case in the same year.

15,076. I do not mind you giving the names if you wish to, but for my purpose just give me the number in these years?

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,077. (*The President.*) Is that an actual case that you mentioned on the estate, the 1,100*l.*?—Yes.

(*The President.*) Would you object to following that—I mean what kind of case was it?

(*Sir C. Russell.*) I will, my Lord, follow it up.

(*The Witness.*) There was one in 1882 Michael Moyrihan of Knocknamucklagh. He was defended by the Land League also. There was Catherine Mahony of Ballybrack in 1883: one in 1883 and one in 1887.

15,078. But you have told me there were 20 in 1885?—They were writs issued—ordinary writs and their cattle seized, not their farm sold.

15,079. I misunderstood you then. I see. How many altogether were there of those others?—There was Daniel Crowley in 1881, James Flynn in 1881, that is two; Michael Moyrihan, three in 1882; Catherine Mahoney in 1883, that is four.

15,080. We will add up the names if you will tell us each year?—Two in 1881, two in 1882, and two in 1887.

15,081. Then there were none in 1885 and 1886?—No.

15,082. Two in 1887?—Yes, that is all.

15,083. And none in 1888?—No—Oh, one in 1888.

15,084. What was the name of this case, where you say the tenant's interest was bought?—Hanoria Shea of Cleery, Ballydouney.

15,085. How was her interest fixed at 1,100*l.*?—By the Land Commission.

15,086. When was it fixed?—It was fixed by Mr. John George McCarthy, Commissioner, on the 30th June, 1884.

15,087. At 1,100*l.*?—At 1,100*l.* the two farms of Ballydouney and Cleery.

15,088. Can I see the paper you are looking at?—Yes; that is a copy of John George McCarthy's judgment.

15,089. Where did Mrs. Shea live?—At Cleery, within a mile of the town of Killarney.

15,090. When was the sale of her interest?—It was on the 11th June, 1887.

15,091. And the landlord bought it for 5*l.*?—5*l.* each farm; 10*l.* altogether.

15,092. Was she turned out?—Yes.

15,093. Is she out still?—Yes.

15,094. And has the farm been re-let?—No.

15,095. Is it lying vacant?—No, it is stocked with a caretaker and two policemen. It is stocked, and a caretaker and two police are in possession.

15,096. Where is this lady, Mrs. Hanoria Shea?—Mrs. Shea is dead. I may mention that in 1886 I had to sue this tenant for her judicial rent, and I seized her stock, and after they were sold at the public pound, the rent was paid with 19*l.* costs. Then her son led the agitation. He is the principal National Leaguer in that district. He attacked the office in every possible way, and prevented the payment of rent.

15,097. I want to get the date from you—it is important in another connexion; it was in 1886; the rent was fixed in June 1884?—Yes.

15,098. And it was in 1886 she complained of the rent being too high?—I think in 1883. She went into the Court in 1883. I think she served her notices in 1883.

15,099. Very likely, but you knew at that time the reduction in her rent only dates from the time of the judgment?—Yes; the gale day after the judgment.

15,100. It has no relation back?—No, it runs from the gale day after the judgment.

(*The President.*) What was the rent?

(*Sir C. Russell.*) I will give your Lordship the figures.

15,101. (*Mr. Justice A. L. Smith.*) The two farms?—The gross judicial rent is 263*l.* The valuation is 190*l.*, the acreage 131*l.*, the tenant's value 1,164*l.*

15,102. (*The President.*) How much in arrear at the time?—Twelve months' rent. I may mention, my Lords, that when I served this woman with a writ her son took defence in Dublin. Mr. Mahony, of Killarney, defended the action. At the last moment, when it was coming for trial, Mr. Mahony gave consent for judgment. Mr. Mahony came into court then and asked for a settlement. I said to him I was prepared to take 50*l.* in hand and give him time for another 50*l.* to the 30th June. That was in April 1887. Mr. Mahony said that was very fair, but the tenant would not accept it unless I extended the time until September for the other 50*l.* I told him that was an impossibility, because I closed my accounts on the 30th June 1887, and his rent, being a judicial rent, it should be paid up fairly to a certain date. Well, he

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

refused that offer. Then I put up both these farms for sale, and after I put them up for sale, he came into the office and asked for further terms. I said I was quite willing to let him back on the payment of six months' rent, and I would take the costs by instalments. He said he would not do it, and walked out of the office.

15,103. (*Sir C. Russell.*) What time was asked for the payment?—In April 1886, when he gave consent for judgment, Mr. Mahony came into the office and asked for terms.

15,104. I only want to get what extension of time for payment he asked for?—I wanted to get 50*l.* in hands, and the other 50*l.* by the 30th June. He offered to pay 50*l.* in hands and the other 50*l.* in September.

15,105. And upon that you differed?—Yes.

15,106. This was not a case of refusing to pay rent at all?—No.

15,107. It was a case of asking time to pay?—No; he refused unless he got an abatement. He distinctly refused to pay unless he got an abatement on the judicial rent of 30 per cent.

15,108. You are aware, of course, that Parliament intervened?—Yes.

15,109. And did allow the tenants, whose rents had been fixed before a particular date, to go in in respect of the judicial rents?—Yes.

15,110. On account of an abnormal fall in 1885, 1886, and 1887?—Yes.

15,111. That is so, is it not?—Yes.

15,112. An abnormal fall of prices is what I am talking about?—Yes.

15,113. I may take it that you did not agree that there was any necessity for that revision at all?—Of course I agreed. If I did not agree I would not offer to take 100*l.* out of 263*l.*

15,114. No; did you agree there was any fair demand for that revision at all?—Of course I agreed. That is the reason I offered to take 100*l.* out of 263*l.*

15,115. I must ask you, did you not say this before the Commission. I will read the whole of it.

(*The Attorney-General.*) What is the number?

(*Sir C. Russell.*) 18,324—Cowper's Commission.

(*The Attorney-General.*) That is Cowper's Commission.

(*The President.*) Yes, I have not seen it, but I have given directions it should be got for me.

(*The Attorney-General.*) It is 4969 of 1887.

15,116. (*Sir C. Russell.*) I asked for the date of this transaction. This evidence is given on the 13th November 1886. (18,324.) "Then, in your opinion, there is no necessity for a revision of the judicial rents?—Oh, certainly not, because the Land Commission strained every point they could in favour of the tenant"?—So they did.

15,117. That was the landlords' point of view?—Certainly they did.

15,118. I know you say so. (18,325.) "And rents can be paid now throughout the estate, not only the judicial rents, but in the other cases also?—Certainly; but Lord Kenmare's trustees gave 25 per cent. on the last gale"?—Yes, that is on the May 1885.

15,119. "And they are giving 20 per cent. on this December gale. (18,326. *Mr. Neligan.*) Then there is no necessity for any revision of the judicial rents?—Certainly not. (18,327. *Lord Milltown.*) Do you think that the circumstances of the tenants demanded that abatement?"—that is the 20 per cent. "Well, I think so to the yearly tenants. (18,328.) On account of the exceptionally bad times?—On account of the fall in prices"?—Yes.

15,120. Then you see you were of opinion that there was no necessity for a revision of judicial rents, because the Land Commission had strained every point they could in favour of the tenant?—Where the tenant was solvent there was no occasion for it, but where the judicial tenant is not solvent there is every occasion for it.

15,121. Let me ask you this. Is it the landlord view, or the landlord's agent point of view, that the question of the justice or injustice of pressing for a given rent depends upon anything except whether the land has or has not fairly produced the rent?—Not at all. I will tell you how we proceed. If a tenant is able to pay—

15,122. Now, I must please have an answer to my question. It is clear enough?—Well, what is it?

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,123. You say, "if the tenant is able to pay"—"solvent," I think, was the expression?—Yes.

15,124. He ought to get no abatement?—His judicial rent is a fair rent and if he is solvent he should get no abatement.

15,125. But you have told us after the judicial rents were fixed—I mean previous to 1886 and 1887, there was a very serious abnormal fall in prices?—Certainly.

15,126. What I am asking you is this: is it your view that a tenant is not entitled to any consideration in the way of abatement, so long as he is able from any means or from any sources to pay?—Certainly not.

15,127. He is not entitled?—He is entitled to get a fair abatement if the times come down.

15,128. What was it you meant by saying the solvent tenants were not entitled to any abatement, but the tenants that were not solvent might be?—What I said was this. The solvent judicial tenants—their present rents are fair. Of course there are a lot of judicial tenants whose rents are fair, but who are not able to pay, and those certainly I would give an abatement to.

15,129. You really are arguing in a circle, if you will excuse my saying it. Why do you bring in the question of solvent tenant at all, if since the rents were judicially fixed, there has been what you call an abnormal fall of prices?—Take a solvent judicial tenant: his land is let fair; he is comfortable in every way, and he requires no abatement.

15,130. That is to say, although the harvest and working of the farm would not have justified the rent in 1866 and 1867 by reason of the fall of prices, yet because he has means, you think he ought to pay?—Certainly, I think, if he has got a fair rent.

15,131. And without any abatement?—Yes.

15,132. I am not questioning whether your view is right or wrong for the moment; I only want to understand. What was the schedule that was actually applied under the Act of 1887, which your Lordships will take for the moment on trust, for your Lordships have not heard of it yet; what was the schedule that, under the Act of 1887, was applied to the union in which Lord Kenmare's property is situated?—On the rents fixed in 1881: the Commissioners, on the 27th December, added a further reduction of $13\frac{1}{2}$ per cent; on the rents fixed in 1882, they added a further reduction of $14\frac{1}{4}$ per cent.; on the rents fixed in 1883, they added a further reduction of $16\frac{1}{2}$ per cent.; on the rents fixed in the year 1884 they added a further reduction of 12 per cent., and on the rents fixed up to December 1885, they added a further reduction of $3\frac{3}{4}$ per cent.

15,133. So that the point from which the abnormal fall apparently was to be considered was from the end of December 1885?—Yes.

15,134. So that tenants who had got their rents judicially fixed before that date were entitled to a revision?—Yes.

15,135. Those who had got their rents fixed after that date were not entitled to a revision?—Exactly, that is quite so.

15,136-7. On the assumption that as regards the rents fixed after that date the Commissioners had presumably taken into account the fall that had existed?—Certainly, and they did.

(*The President.*) What is the Act of 1887 you refer to?

(*Sir C. Russell.*) It is called the Land Law Ireland Amendment Act, 1887.

(*The President.*) I wanted the chapter.

(*Sir C. Russell.*) I do not recollect the chapter. Your Lordship will have to hear the whole history of these Acts, I am afraid, at a later stage.

15,138. That is Killarney?—Yes.

15,139. Are these reductions cumulative. As you read them, they sounded as if they were cumulative?—No, they are not. I think they average about 12 per cent.

15,140. Only one other word in this connexion. That reduction is not a permanent one?—Three years from 1887, I think it is.

15,141. And then at the end of that time the rents rise again to the former point at which they were fixed?—Yes, you cease to allow the abatement at the end of three years.

15,142. You told us, I think, that you had lived in Killarney practically all your life, except when you were away at school?—I have been living in Killarney since the 26th January 1876.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,143. Before that, I thought?—I have been living in the county of Kerry all my life, except when I was at school.

15,144. That is what I understood. Let me see if I realise your opinion. You say that the relations between landlords and tenants in Kerry were of the most friendly and cordial character?—I speak of Lord Kenmare.

15,145. Then you wish to confine it to Lord Kenmare?—Certainly.

15,146. And was continued up till when?—Till the 9th January 1882, when the O'Donoghue held a meeting in Killarney.

15,147. (*The Attorney-General.*) Listry, I think it was?—No, that was in 1881.

15,148. (*Sir C. Russell.*) Then the O'Donoghue and his meeting and speech were the *fons et origo mali*, were they?—They began to abuse Lord Kenmare and the estate, and everything connected with him.

15,149. You do not think that any protection for the tenants was wanted at all?—In 1880?

15,150. Yes?—In 1880 it was absolutely necessary to give the tenants every assistance, because there were several of them blue with hunger owing to the fearful autumn they had in 1879.

15,151. You do not quite follow me. I heard you say that yesterday. My point was, did you think it was necessary to give them legal protection?—How do you mean legal protection?

15,152. Would you have thought it better to leave them entirely to these cordial and sympathetic relations between the landlord and tenant and agent?—Certainly, in Lord Kenmare's case.

15,153. Do you think the Land Act of 1881 was a great mistake?—No, I do not.

15,154. You do not?—No, not at all.

15,155. Not even on Lord Kenmare's estate?—No. Lord Kenmare only wants a fair rent fixed on his property, and we were only too delighted to get the Land Act to fix the rent on it.

15,156. Then you were delighted with the Act of 1880?—Perfectly satisfied. Lord Kenmare only wanted a fair rent on his property. We did not object in the slightest degree.

15,157. I am very glad to hear that testimony in respect of it. You are too young to recollect the original Land Act of 1870?—No, I am not. I remember it. I remember it quite well.

15,158. It had very little effect in the country?—Well, I do not think it was worth much.

15,159. I quite agree with you. Were arrears a trouble at all on Lord Kenmare's property?—No. There are tenants on Lord Kenmare's property at present who owe the 1883 rent—the rent which fell due in May and November 1883.

15,160. I should rather have considered all that pointed to the arrears being a trouble?—Well, they are not a trouble. Of course, where you have 2,000 tenants there must be some poor ones amongst them. There are about 200 poor tenants on Lord Kenmare's estate.

15,161. But you do not think the arrears were a trouble?—Certainly not, because the poor man always brings in what he can make in order to hold his holding. He does not join the agitation, but pays as he can.

15,162. Did you think the Arrears Act was necessary?—It ruined the country, because it made every man dishonest. Honest men it made dishonest people of.

15,163. I want to get your views?—Yes, those are my views, and my experience of it.

15,164. You approve of the Land Act of 1881, but think the Arrears Act was a dishonest Act?—Yes, certainly it was a dishonest Act. It turned honest people, and made them dishonest.

15,165. You did not think there was anything in the general condition of the people, or with a view to the peace of the country, that rendered that necessary at all?—Some Act was necessary at the time, but I do not approve of the Arrears Act of 1883.

15,166. What Act did you think was necessary?—Some other Act was necessary.

15,167. What?—I could not tell you what Act was necessary. Something was necessary, but certainly the Arrears Act ruined the whole place.

15,168. What Act did you think it was? An Act to put down all the Land League, and put all the leaders in prison?—No, I do not think that was necessary.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,169. You did not think it was necessary in any way to deal with arrears; very good?—Not on Lord Kenmare's estate.

(*The Attorney-General.*) He has not said that.

15,170. (*Sir C. Russell.*) Are you speaking entirely of Lord Kenmare's estate?—Yes, solely. I, of course, only know about other estates by rumour, but am speaking from experience of Lord Kenmare's estate.

15,171. You have more than once used the expression which was striking—you used it yesterday evening and repeated it this morning, that in 1879–80 the people—I think you used the expression “the people,” or “some of the people,” were blue with hunger?—Yes, that is perfectly true.

15,172. Was there great and general distress in Kerry?—There was. We had a fearful autumn and a fearful winter, and a very bad spring. It was raining in Killarney from the 1st of January up to about the 3rd of March without stopping.

15,173. My limited experience of Killarney is that it generally rains in Killarney?—Well, we get every passing shower as a rule. We generally live in our waterproofs.

15,174. And there had been a very great failure of the potato crops?—Yes, they were not worth eating.

15,175. And I presume it was upon that that the people depended for their sustenance?—The majority.

15,176. The great majority?—I think so.

15,177. It is to the other crops they look to the payment of their rent?—Yes, and the sale of their pigs and calves.

15,178. The sale of their stock?—Yes.

15,179. Do you find that in Kerry, as in other places we have heard of, the tenants are frequently assisted by their friends in other places?—Oh, yes.

15,180. To pay their rent?—Yes, constantly their children from America often send me their rent.

15,181. That has been so as long as you recollect?—Oh yes, constantly.

15,182. And I think in some of the letters which were read yesterday you have received payments also from Manchester and Dublin?—Yes.

15,183. I think in one case where a man had two sons in the Excise?—Yes, Cronin, of Gortagullane.

15,184. Who had sons in the Excise?—No, he was steward to Collin Brothers, contractors, in Dublin.

15,185. Mr. Hussey succeeded to the Kenmare property, did he not, in 1875–76?—July 1874, I think he was appointed agent.

15,186. Was there on the 2nd September 1879 a memorial presented to Lord Kenmare by the general body of his tenantry, praying for a reduction?—I think so; I am not quite sure, but I think so.

15,187. I believe the dates I am giving you are accurate?—Yes, I think so.

15,188. Was there on the 5th September a conference of the Catholic clergy of the Listowell Deanery, at which a resolution was passed that a reduction of the rents was absolutely necessary to save the people from destruction?—That was in North Kerry. That is 30 miles away from Killarney.

15,189. Do you recollect the circumstance?—Well, I heard about it.

15,190. Was there on the 9th September a resolution of the clergy of the Millstreet Deanery to the same effect?—I heard so.

15,191. (*The Attorney-General.*) Is that in Lord Kenmare's district?—No.

15,192. (*Sir C. Russell.*) I am not dealing with Lord Kenmare's district?—It is about 20 miles from Killarney.

15,193. Although we know Millstreet is not on Lord Kenmare's property, it is the fact, is it not, that the priests attending the Deanery meeting would be some of them from Lord Kenmare's neighbourhood?—Yes, it is in the diocese of Kerry.

15,194. I wish to ask you about one more gentleman. Canon Griffen was the clergyman presiding at that meeting?—Yes.

15,195. Do you know Canon Griffen is a man who has been unfriendly to the League, has he not?—He has never countenanced the League.

15,196. Did Lord Kenmare, in answer to those representations, at that time make any reduction?—They got the reduction on the rent. I could not tell you really, but I know they got the reduction on the November 1879 rent.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,197. That is not an answer to what I was putting to you. Do you not know that Lord Kenmare said that if the low prices continued he would, the following Spring, be willing to inquire into the matter, and, if necessary, presumably make a reduction?—All I know is this, that on the November 1879 rent the tenants got 20 per cent. abatement, in addition to a large expenditure on the estate in the way of improvements and loans.

15,198. That is a different thing. You mean on the Kenmare property?—Yes.

15,199. On the private demesnes?—No, on the estate.

15,200. I will come back to that in a second. Is it, or is it not, a fact that no abatement was made until the next year?—No abatement was made, I think, except on the November 1879 rent, which was paid the following March.

15,201. Was any abatement made until the next year is my question?—It was made on the November 1879 rent, which was payable in the following January and April.

15,202. That is what I wanted to get?—But I may mention that previous to the 9th of January 1880, Lord Kenmare was spending close upon 300*l.* a week on labour when the distress set in in October 1877. Mr. Hussey was directed to have a large expenditure on the estate, and the labour bill from October 1879 until close in the middle of April came to 300*l.* a week.

15,203. When did that expenditure begin?—October 1879.

15,204. Was that under a Statute, Was that money advanced under a Statute at exceptionally low rates of interest to the tenants?—Yes.

15,205. That is to say, no interest for two years, and after that 1 per cent.?—Yes.

15,206. That was the money you were referring to?—Yes, and the very Saturday before the O'Donoghue held his meeting on the 9th of January 1880, Lord Kenmare's labour bill that week was 268*l.*

15,207. Out of this money?—Out of this money, and the tenants were never charged one farthing interest.

15,208. That I am glad to hear?—I may mention also Lord Kenmare came into his property in 1851, and from 1851 up to 1885 he spent 173,994*l.* on his estates in Kerry, Cork, and Limerick; and on the Kerry property alone he spent within that period, 163,814*l.*

15,209. What is the total rental?—Of all the estates?

15,210. What is the total rent?—About 40,000*l.*

15,211. And the Kerry estates?—The Kerry estate about 32,000*l.*, I think.

15,212. As regards the expenditure you have referred to in those figures, apart from the expenditure of the moneys advanced by Parliament on easy terms to landlords, where was that expenditure?—On the estate. I will read to you how it was expended.

15,213. No; kindly answer the question I am putting. Where was it expended?—On the Kerry estate.

15,214. How?—On buildings, 40,116*l.*; on land improvement, 15,019*l.*; on roads, 4,432*l.*; Killarney town, 1,982*l.*; seed potatoes to tenants in 1879, 2,381; general labour on roads, 65,381*l.*; Board of Works loans, 34,500*l.*

15,215. Will you tell me, of those total figures you are giving me, how much was expended on the erection of the mansion?—None; not a penny.

15,216. Then that was in addition to those figures?—Yes, not a penny.

15,217. How long does the power to the landlord continue under the Statute referred to?—35 years, I think, my Lord.

15,218. (*Sir C. Russell.*) As regards the expenditure in Killarney would, that include the expenditure on the Town Hall and the cottages?—Yes.

15,219. Those, of course, are let at a rent?—At a nominal rent.

15,220. A rent, I presume, to pay interest?—They are let at a rent, but the rent is not paid.

15,221. Were you aware of similar memorials to the one I have asked about in Lord Kenmare's estate, being addressed to Lord Henley and other landlords in the country?—I am not aware.

15,222. That would not come to your knowledge?—No.

15,223. When Mr. Hussey succeeded in the agency, was there a rise in the rent to a portion of the tenants?—A few years afterwards.

15,224. When?—He raised the rent in 1875, 1876, and 1878.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,225. I think that was not the general rise of rent?—There was a general rise all over the estate; he brought the rents up to what they were before the famine.

15,226. It was a general rise all over the estate, was it?—Yes.

15,227. What was the amount?—If you will kindly let me get a copy of my figures I can tell you,—I have it now,—kindly repeat your question.

(*The Attorney-General.*) You were asking about the rents before the famine?

15,228. (*Sir C. Russell.*) I was asking you whether it was a general rise over the whole estate, which, you say, brought it up to the rent before the famine. I was asking what was the general rise?—2,250*l.*

15,229. No, no, the per-centage?—That is the gross amount.

15,229*a.* (*Mr. Justice Smith.*) How much?—2,250*l.* 12*s.* 1*d.*

15,230. (*Sir C. Russell.*) In relation to how many tenants was that rise in 1875 and 1876?—About 453.

15,231. (*The Attorney-General.*) Give me that figure again?—The total rise was 2,250*l.* 12*s.* 1*d.*

15,232. And the number of tenants?—453, and the Land Commission reduced it.

(*Sir C. Russell.*) Pray recollect, you are in my hands at present.

(*The Attorney-General.*) I will give you the opportunity presently.

(*Sir C. Russell.*) I will give him the opportunity presently.

15,233. That was upon 450 tenants?—453.

15,234. You could not, in fact, raise the rents upon a large number of tenants because they had leases?—Oh, no, not at all; there are 2,000 tenants on the estate; 150 are leaseholders, 110 judicial, and 1,777 yearly tenants on the estate at this moment.

15,235. You are running away from the point. I am asking you before there was any question of judicial rents at all. I am asking the question about things in 1875 and 1876. At that time there were a number of leaseholders upon Lord Kenmare's estate upon whom you could not raise the rent?—150.

15,236. There were 2,000 tenants altogether?—Yes.

15,237. How many of them are leaseholders?—150.

15,238. They, previous to 1878 and 1879, had no right of recourse to the Land Court?—No.

15,239. Was there any abatement to the leaseholders at all?—No, because they were leases made in 1811, and up to 1873. When the Land Act of 1887 passed, Lord Kenmare instructed Mr. Morphey, the barrister, in open court to say that he was prepared to take a surrender of any lease he ever made on the property, or of any lease that ever existed on the property, and to let the tenant go into court to fix the rent. There were 152 leaseholders then, and two only went into court and accepted the offer.

15,240. The leases, of course, secured them in undisturbed possession, so long as they paid the rent?—Yes.

15,241. And secured them against any increase of rent?—Yes.

15,242. It was an act of the present Government that enabled the leaseholders to go in?—Yes.

15,243. When was that?—1887.

15,244. It is the same Act, is it not, which deals with the question of the revision of judicial rents?—Certainly.

15,245. Have they under that had a reduction or not?—No, only two tenants went in, and they went in in 1882.

15,246. I am not talking of that. They could not go in in 1882?—They could have gone in 1882, because we offered to take a surrender of their leases and let them go into Court.

15,247. They could not, in point of law, go in?—They could in point of law, because we offered to accept a surrender, and make them yearly tenants.

15,248. I understand that; but they could not, in point of law, but for the offer which Lord Kenmare made?—Certainly not.

15,249. After the Act of 1887, had any of them gone in or not?—No.

15,250. None?—One in the county of Cork, but he had gone in before the Act of 1887.

15,251. Just give me that little schedule. Then this has no application to them?—No, not the slightest.

15,252. You say that none of them have since gone in?—No.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,253. Now about this question of the good feeling between the landlords and the tenants. I am not speaking of Lord Kenmare personally at all, but generally about the feeling between the landlords and the tenants; do you think that continued to be very cordial up to 1881?—I do not like speaking outside Lord Kenmare's estate, because I do not know personally about it, I can only speak of rumours.

15,254. Do you know that there was no such cause of feeling?—Rumours said there was not.

15,255. Have you had to do with other estates than Lord Kenmare's?—No.

15,256. Have you not; I thought you said you were articled to Mr. Hussey?—Yes I was. I think from March 1885 up to January 1886.

15,257. (*The Attorney-General.*) 1875 you mean?—Yes.

15,258. (*Sir C. Russell.*) Is not Mr. Hussey one of the most extensive land agents in Kerry?—Yes.

15,259. The most extensive?—Yes.

15,260. Your experience extended far beyond Lord Kenmare's estate at that time?—I was learning my business at that time, and I did not give it much attention.

15,261. Did you ever, I put it to you, because it is referring to a date you mentioned, did you ever see a remarkable letter of the 3rd December 1880, in the columns of the "Times" newspaper by the late General Gordon?—No, I did not.

15,262. You know that he knew a good deal about Ireland, and took a good deal of interest in it?—I think I have heard so; I really could not say exactly.

15,263. You know that he lived in County Kerry?—General Gordon?

15,264. Yes?—No, never.

15,265. You did not know?—No, I never heard he did, and I am sure I should have heard it if he had been there.

15,266. I should really like to ask you a question about this, to see if you think this correctly describes the condition of things.

(*The Attorney-General.*) Read the whole of it if you are going to read it at all.

(*Sir C. Russell.*) I will read the whole letter; it appears in the columns of the "Times" of the 3rd December 1880. It begins thus:—

"The Irish land question deeply interests all classes of people at the present moment. Among others, Colonel Gordon has been lately investigating it on the spot. He has written me the following brief remarks."

(*The Attorney-General.*) Is this a complete copy of the letter?

(*Sir C. Russell.*) It is in the columns of the "Times" of the 3rd December 1880.

"And, as may be imagined from his previous career, he goes to the root of the matter. The vast interest of the subject must be my excuse for sending this private letter for publication, which I do on my own responsibility. Whether the public will agree in his conclusions or not, at least they offer a new departure for consideration, and they are those of a man who has wielded autocratic power over millions of human beings, and who knows the responsibilities of government."

"I am, Sir,

"Your obedient servant,
"J."

(*The Attorney-General.*) I understood the witness to say that General Gordon had not been in Kerry?

(*The Witness.*) I never heard of him being in Kerry; where has he been; what part of Kerry?

(*The President.*) What General Gordon is it.

(*Sir C. Russell.*) The late General Gordon.

(*The President.*) I may say the General Gordon.

(*Sir C. Russell.*) Yes, my Lord.

"MY DEAR J.,

"You are aware how interested I am in the welfare of this country."

(*The Attorney-General.*) Where is it written from?

(*Sir C. Russell.*) It is written from Ireland. From Glengarriff, in the county of Cork.

15,267. A part of the Kenmare estate goes up to Glengarriff?—No, it does not; it does not go within 40 miles of it.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(*The Attorney-General.*) These statements ought to be checked before they are made.

15,268. (*Sir C. Russell.*) Does it not go into the county of Cork?—Into the Cork property? The Cork property is 40 miles away.

15,269. Do not catch me up in that way. Lord Kenmare has property in the county of Cork?—Yes.

15,270. And I believe it goes up close to Bantry?—Yes.

15,271. Is Glengarriff close to Bantry?—It is within nine miles. Lord Kenmare's Cork properly goes within nine miles of it.

(*Sir C. Russell.*) The letter goes on—

“ You are aware how interested I am in the welfare of this country, and having
“ known you for 26 years, I am sure I may say the same of you. I have lately
“ been over to the south-west of Ireland, in the hope of discovering how some
“ settlement could be made of the Irish Question, which, like a fretting cancer,
“ eats away our vitals as a nation. I have come to the conclusion that—

“ 1st. A gulf of antipathy exists between the landlords and tenants of the
“ north-west and west, and the south-west of Ireland. It is a gulf which is not
“ caused alone by the question of rent; there is a complete lack of sympathy
“ between the two classes. It is useless to inquire how such a state of things has
“ come to pass. I call your attention to the pamphlets, letters, and speeches of
“ the landlord class, as a proof of how little sympathy or kindness there exists
“ among them for the tenantry, and I am sure that the tenantry feel in the same
“ way towards the landlords.

“ 2nd. No half-measured Acts which left the landlords with any say to the
“ tenantry of these portions of Ireland will be of any use. They would be
“ rendered, as past land Acts in Ireland have been, quite abortive; for the land-
“ lords will insert clauses to do away with their force. Any half measures will
“ only place the Government face to face with the people of Ireland as the
“ champions of the landlord interest. The Government would be bound to
“ enforce their decision, and with a result which none can foresee, but which
“ certainly would be disastrous to the commonweal.

“ 3. My idea is, that seeing—through this cause, or that it is immaterial to
“ examine—a deadlock has occurred between the present landlords and tenants;
“ the Government should purchase up the rights of the landlords over the whole
“ or the greater part of Longford, Westmeath, Clare, Cork, Kerry, Limerick,
“ Leitrim, Sligo, Mayo, Cavan, and Donegal. The yearly rental of these
“ districts is some four millions; if the Government give the landlords 20 years'
“ purchase, it would cost 80 millions, which at $3\frac{1}{2}$ per cent. would give a yearly
“ interest of 2,800,000*l.*, of which 2,500,000*l.* could be recovered; the lands
“ would be Crown lands; they would be administered by a Land Commission,
“ who would be supplemented by an emigration commission, which might for
“ a short time need 100,000*l.* This would not injure the landlords, and so far
“ as it is an interference with proprietary rights it is as just as is the law which
“ forces Lord A. to allow a railway through his park for the public benefit. I
“ would restrain the landlords from any power or control in these Crown
“ land districts. Poor law, roads, schools, &c., should be under the Land
“ Commission.

“ 4. For the rest of Ireland, I would pass an Act allowing free sale of leases,
“ fair rents, and a Government valuation.

“ In conclusion, I must say, from all accounts, and my own observation,
“ that the state of our fellow countrymen in the parts I have named, is worse
“ than that of any people in the world, let alone Europe. I believe that these
“ people are made as we are, that they are patient beyond belief, loyal, but at
“ the same time broken-spirited and desperate, living on the verge of starvation
“ in places in which we would not keep our cattle. The Bulgarians, Anatolians,
“ Chinese, and Indians are better off than many of them are. The priests alone
“ have any sympathy with their sufferings, and naturally alone have a hold
“ over them. In these days, in common justice, if we endow a Protestant
“ university, why should we not endow a Catholic university in a Catholic
“ country? Is it not as difficult to get a 5*l.* note from a Protestant as from a
“ Catholic or Jew? Read the letters of ——— and of ——— ”

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

Then he mentions some names.

(*The Attorney-General.*) No, he does not mention any names at all.

(*Sir C. Russell.*) I see the names are left blank.

“ Read the letters of ———— and ———— and tell me if you see in them
 “ any particle of kind feeling towards the tenantry; and if you have any doubts
 “ about this, investigate the manner in which the Relief Fund was administered,
 “ and in which the sums of money for improvements of estates by landlords were
 “ expended.

“ In 1833, England gave freedom to the West Indian slaves at a cost of
 “ 20 millions—worth now 30 millions. This money left the country, England
 “ got nothing for it. By an expenditure of 80 millions she may free her own
 “ people. She would have the hold over the land, and she would cure a cancer.
 “ I am not well off, but I would offer ——— or his agent 1,000*l.* if either of
 “ them would live one week in one of these poor devil’s places, and feed as these
 “ people do. Our comic prints do an infinity of harm by their caricatures, firstly,
 “ the caricatures are not true. for the crime in Ireland is not greater than that
 “ in England; and, secondly, they exasperate the people on both sides of the
 “ Channel, and they do no good. It is ill to laugh and scoff at a question which
 “ affects our existence.

“ Yours sincerely,

“ C. G. GORDON.”

(*The President.*) I did not catch the date of that.

(*Sir C. Russell.*) It appears in the paper of the 3rd December 1880, whether it is dated a few days before, or some days before, I do not know.

15,272. You do not agree with that letter?—I do not know anything about these counties that he refers to there.

15,273. But he refers to Kerry?—What does he say about Kerry?

15,274. I am not going to read it again. If you will kindly read what he says about Kerry?

15,275. He mentions Kerry, and he also mentions Cork?—What part of Cork does he refer to?

(*Sir C. Russell.*) He does not refer to any particular part.

(*The Attorney-General.*) He refers to the rights of landlords.

15,276. (*Sir C. Russell.*) Now, is there any county in Ireland in which there is a greater degree of wretchedness than in parts of Kerry—can you name any?—Portions of Galway and portions of Clare, I believe.

15,277. Portions of Galway, and portions of Clare, you think, are worse?—Yes, I think so.

15,278. I just want to know a little about the condition of things outside the mere land question in Kerry, if you would be kind enough to favour me?—Yes.

15,279. The magistrates of the county are, of course, appointed by the Lord Chancellor in the usual way on the nomination of the Lord Lieutenant of the county?—Yes.

15,280. Who is the Lord Lieutenant of the County of Kerry?—Lord Kenmare.

15,281. I think I am right in saying, that of late, so far as dealing with disturbances and ordinary magisterial duties, the local magistrates have rather receded in the background?—Yes.

15,282. Ever since the agitation in 1881 they have left to a large extent the performance of their magisterial duties to magistrates directly appointed by the Government?—Yes, they do not like to get unpopular.

15,283. They do not like to get unpopular—the local magistrates?—Yes, that is some of them,—the majority of them.

15,284. There are exceptions amongst landlords, and I suppose amongst magistrates too?—I have no doubt.

15,285. And in the county of Kerry, how many resident magistrates are there?—There is one in Listowel, Captain Massey, one in Tralee, Mr. Roach, there is one in Casseveen, Mr. Butler, and one in Killarney, Mr. Macdermott.

15,286. How many is that altogether?—I think five.

15,287. In addition to that these are magistrates known by the name of ———?—Resident magistrates living in the different neighbourhoods.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,288. You are aware they hold their office directly upon the will of the Government of the day?—I have been told so.

15,289. In addition to these resident magistrates, are there what are called district magistrates?—Yes. Colonel Turner is what we call a district magistrate, and he sometimes lives in Tralee and sometimes in Clare.

15,290. What time was it that Sir Redvers Buller came to Kerry?—1886, I think it was.

15,291. What time was it?—I think it was about April 1886: about that time.

15,292. In what capacity did he go there?—Well, when he came first, it was reported he came to put down outrage, but when he did come it turned out that it was not for that at all. It was investigating the payment of rents, and how rents had been paid for years back.

15,293. Was he a magistrate?—He was a short time after, I think. He was a magistrate afterwards; after a short time.

15,294. It was notorious, was it not, that he again and again called attention to, and tried to stop evictions as being a source of disturbance and crime?—I believe so.

15,295. And to use the expression, which I think was afterwards used by a distinguished statesman, he used "great pressure within the law" upon the landlords?—I believe so, and outside the law.

15,296. That was rather serious in a magistrate?—Well, it was done.

15,297. Then I may take it you did not approve of Sir Redvers Buller?—I did not mind a bit.

15,298. No, no. I do not say it affected you or Lord Kenmare. I have left the personal part of the matter?—I did not mind a bit. He had arrived in Killarney about 24 hours when he sent for me and asked me would I go over the estate with him—Lord Kenmare's estate. I said I would be very happy, and he never sent for me from that day to this.

15,299. As I understand, so far as Lord Kenmare was himself personally concerned, he was quite averse to anything which even had the appearance of harshness?—Certainly. He inquires minutely himself into everything in connexion with his estate.

15,300. I do not want to go further than is necessary just to call your attention to it, but I think that for some time the control of the estate has not been in Lord Kenmare's hands practically?—No; trustees' hands.

15,301. From what time would that be?—From the 1st of January 1883.

15,302. You are aware that so far as Lord Kenmare himself was concerned, he had no legal power to grant abatement?—No legal power.

15,303. He himself had no legal power to grant abatements; that must be the act of the trustees of the estate?—The trustees, of course, now since 1883.

15,304. (*The Attorney-General.*) Since 1883?—Yes, since 1883. Of course, Lord Kenmare must be consulted.

15,305. (*Sir C. Russell.*) Now, in reference to the Cowper Commission, I think I understood you to say that was really a Commission that was not at all needed?—I never said any such thing.

15,306. I beg your pardon, then; do you think it was needed?—Certainly.

15,307. You do?—Yes, because there were any amount of lies going round about landlords and tenants in the country at the time, and it was as well the truth should be known.

15,308. Who were the members of that Commission?—I forget. Lord Cowper was the chairman. I forget who the other members were. Mr. Nelligan, Q.C., I know.

15,309. I will give you the names. Lord Cowper was the chairman, as you have correctly said. Lord Milltown, he was a member?—Yes.

15,310. Mr. James Caird?—Yes.

15,311. Mr. Nelligan?—Yes.

15,312. Mr. James Knipe?—The last gentleman was not in Killarney.

15,313. I have not asked you whether he was in Killarney, the least in the world. I am asking you who were the Commissioners?—Those were, I believe.

15,314. Lord Milltown is an Irish landlord?—I believe so.

15,315. Mr. Nelligan is a county court judge?—Yes, and a landlord in Kerry.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,316. I do not know whether Lord Cowper has any land in Ireland?—I do not know.

15,317. As far as you know?—Not as far as I know.

15,318. I think the remaining Commissioner was Mr. James Knipe?—Yes.

(*The Attorney-General.*) There is Caird.

15,319. (*Sir C. Russell.*) Is Mr. Caird the same Mr. Caird who publicly stated in writing that there were 500,000 tenants in Ireland who could not pay any economic rent?—He was, I believe.

15,320. The same gentleman?—I believe so.

15,321. He is now Sir James Caird?—I think so, and he was then, I think.

15,322. Was the date of that public statement of Sir James Caird in 1881?—I think it was 1885.

15,323. I am told it was earlier, but you are quite entitled to say so?—I think I read it in "The Times" in 1885; I am not quite sure.

15,324. You are more likely to be right than the date suggested to me. Was Mr. Knipe the only representative of the tenant farmer class?—So I believe.

15,325. He, I think, was a farmer from the north of Ireland?—I understand so.

15,326. I will refer to this report hereafter. How many of the tenants on the Kenmare property altogether went into the Land Court?—152, including middlemen's interest that fell in since the passing of the Act.

15,327. Was that a mode of dealing with property pretty general?—I think there were 20 middlemen leases which were granted in the year 1811. They are falling in from time to time.

15,328. I do not think that we have had an explanation of what that term means: that is, a landlord will grant a lease to a middleman on a portion of his estate, is it not?—Yes, certain ploughlands or townlands.

15,329. And the middleman, you call him—the direct lessee from the landlord—would pay the landlord the gross rent?—Yes, the head rent.

15,330. What you call the head rent; and the middleman would be left to deal with the tenants, and would make such an arrangement as to rents as he thought right?—Yes.

15,331. That was a pretty extensive mode of dealing?—It was the custom in 1811, I believe.

15,332. How many did you say?—I think there were 20 leasehold middlemen on the property.

15,333. How many did you say went into the Court?—About 152.

15,334. I will just mention some of the reductions to you; you can have the whole number.

(*The Attorney-General.*) Is this Lord Kenmare?

15,335. (*Sir C. Russell.*) Yes. Colonel Shea, valuation, 20*l.* 10*s.*; former rent, 28*l.*; judicial rent, 23*l.*?—Shea?

15,336. Shea, of Gorricebeefe?—I do not think there is a tenant of the name of Sheehy on the property; no, I do not think so.

15,337. This is the county Cork property?—Sheehy—there is no tenant of the name of Sheehy on the County Cork property.

15,338. My paper is headed "County Cork and County Kerry"?—There is no tenant of that name on that property.

15,339. Is there a tenant called Garnabege?—Garribeg and Garribeere.

15,340. Was there not a man called Shea?—Yes, Shea.

15,341. I pronounced it Shee; former rent 28*l.*, judicial rent 23*l.*?—Yes, that was by consent.

15,342. I am going to ask you about that; Mary Windle, former rent 60*l.*, judicial rent 47*l.* 10*s.*?—No, we failed in that case, as it was a domain holding; we succeeded in holding it a domain holding. It was a gentleman's residence.

15,343. But she is reduced to 47*l.* 10*s.*?—Yes, illegally they reduced it, as it was a domain holding.

15,344. Catherine Monaghan, 9*l.*; reduced to 7*l.* 10*s.*?—Monaghan, yes; that is by consent.

15,345. They were judicial rents?—Yes.

15,346. They were by consent until after that?—They were by the consent of the court.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,347. John Sullivan 8*l.*, reduced to 5*l.* 15*s.*?—Yes.

15,347*A.* Peter Loonie 36*l.*, reduced to 29*l.*; Patrick Connors, 22*l.*, reduced to 19*l.*?—Yes.

15,348. Jeremiah Malony, 9*l.*, reduced 8*l.*?—Yes.

15,349. Timothy Harrington, no reduction. Dennis Scully, 28*l.* 19*s.*, reduced to 23*l.*; Michael Rearden 50*l.*, reduced to 24*l.*?—Michael Rearden of where?

15,350. Of Longfield Upper?—50*l.*

15,351. Yes?—That is a mistake, there is no holding there of 50*l.* a year at all.

15,352. Perhaps it is 30*l.*?—I think it is not more than 14*l.* a year.

15,353. Oh yes, it must be, because the judicial rent is 54*l.*?—What is the date of it please?

15,354. November, 1883?—No, unless you give me the name of the townland, I cannot tell.

15,355. I have given it you, Michael Rearden, Longfield Upper?—He is only paying about 14*l.* a year.

(*The Attorney-General.*) 24*l.* may be a mistake for 14*l.*; it may be a mistake in the copy.

(*The Witness.*) He is only paying 14*l.* a year.

15,356. (*Sir C. Russell.*) Well you can refer to it hereafter. There are a number of others I will get you to explain presently. I will ask you this. Timothy Sullivan, 40*l.*, reduced to 36*l.* 9*s.*, Dennis McGillicuddy, 48*l.*, reduced 32*l.*?—Yes, that was increased by the Court of Appeal.

15,357. I want to ask you about the Court of Appeal; it was part of the policy, was it not, to appeal?—Certainly not.

13,358. Was it not?—No.

13,359. Was it not the general rule to appeal?—Certainly not, why should we do such a thing as that to throw away money in law costs when we knew we should not get an increase.

15,360. You might do it from the general consideration of the advantage?—No.

15,361. That was not the policy on the Kenmare property?—No, we got an independent valuer, Mr. Barrett, of Carrickmacross, to value every case that went into the court, and we were guided wholly by him.

15,362. Rightly or wrongly, a great many of the tenants who had appealed for the abatement afterwards withdrew their notice, did they not?—No, except in two cases, Keefe and Cronin, of Lahigdavan.

15,363. That was suggested to me?—Those are facts.

15,364. You say only those two?—Yes.

15,365. These judicial rents, which you say were agreed, were they agreed after the tenants were given notice to go into the court?—On a tenant serving his originating notice he got Mr. Barrett, of Carrickmacross, to value his holding.

15,366. Were these agreements, agreements made by the court for the judicial rent after the tenants had given notice to go into the court?—Yes, and I will tell you how it was; when the tenant served the originating notice we got Mr. Barrett, the independent valuer, to value the land; he fixed it at a certain value; we offered it to the tenants at that, and they accepted it.

15,367. Was this man you call the independent valuer, a man who had himself had to do with the management of the Kenmare estate?—At one time he had.

15,368. You would hardly call him an independent valuer?—Yes.

15,369. (*The Attorney-General.*) Will you give us the name again?—Mr. Barrett, of Carrickmacross.

15,370. (*Sir C. Russell.*) What was his position, please, on the estate?—He was assistant agent of the property under Mr. Hussey.

Cross-examined by Mr. Lockwood.

15,371. Was there a man of the name of Duggan, who was a tenant of Lord Kenmare's?—Yes, he was an extensive middle man on the property.

15,372. Was he evicted?—Yes.

15,373. When was that?—On the 20th April 1887.

15,374. Had the family of the Duggans been tenants for a great many years on the Kenmare property?—Yes, for a number of years.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,375. Two hundred?—Oh, ever so far back.

15,376. Before your time?—Yes.

15,377. Did you read a letter that was published by that person after the eviction?—Yes.

15,378. Of course you did not agree at all with his version of the facts?—No, I did not.

15,379. Did you publish a letter in reply?—No, because it was notorious in the district what he did.

15,380. Tell us, first of all, the worst you can tell us about him, and then I will read the letter?—Well, I say it was notorious: he adopted the Plan of Campaign; he sold all his stock; he removed all his hay, his oats, and his corn on Mr. Dowling's farm at Knockmasseed; he cleared away the fixtures of the farm, and then defied me. I sent for Mr. Coulson, the magistrate of the district, and a friend of his, and asked him to let him pay 50*l.* and I would give him as much time as he required. I asked him to negotiate with Mrs. Duggan, not to put me to the necessity of putting her out. I said she owed 180*l.*, and I offered to take 50*l.* and give her further time, and they would not give me a farthing.

15,381. You first say he, and then you say she. Was it a female Duggan or a male Duggan?—Mrs. Godfrey, who was a Miss Duggan, was tenant of the farm.

15,382. Have you told us all you know against the Duggans?—Yes.

15,383. Now we will hear Mr. Duggan's story. I need hardly say, Mr. Leonard, you take in the "Kerry Sentinel"?—Oh, indeed I do.

(Mr. Lockwood.) My Lords, I am going to read a letter which is published in the "Kerry Sentinel" of the 26th April 1887.

(The President.) And you are going to ask him whether that is a true version.

(Mr. Lockwood.) Yes, my Lord.

(The President.) Very well.

15,384. (Mr. Lockwood.) You have the letter here with you?—Yes.

15,385. (Mr. Lockwood.) "Sir, I trust to your courtesy to insert the following statement. For over 200 years the lands of Knockmasseed"—

(The Attorney-General.) Pardon me, I think you have got the wrong date.

(Mr. Lockwood.) It begins as I have read "I trust to your courtesy"—

(The Attorney-General.) What is the date of that?

(Mr. Lockwood.) The 26th April.

(The President.) I thought you said the 20th.

(Mr. Lockwood.) The 20th was the date of the eviction; I very likely fell into a mistake by repeating that date. "For over 200 years the lands of Knockmasseed, County Kerry, have been held by the Duggan family under the Kenmares. This place, when first taken, was a wilderness, consisting of bog and water. My forefathers drained, fenced, and reclaimed the land, planted it, and built a large dwelling house and out offices. Having made these improvements, each time that the lease has expired, the rent was raised, and some of the land taken from the Duggans, So late as the year 1848 my father took out a new lease, a most stringent one it is. He had just built a new dwelling-house and out-offices at the cost of about 1,800*l.*, and planted 2,000 trees. Two-thirds of the land was taken from him, and the rent raised from 70*l.* to 100*l.* a year, an encouragement for him to make further improvements. Farms held under the Kenmares fifty years by the Duggans, at a head-rent of 70*l.* per annum, are now paying the present Earl over 500*l.* a year. The rent of Knockmasseed had been paid up to May 1885. In May 1886 I paid 20*l.* out of half-year's rent of 50*l.*, due the previous November. I received a writ in February 1887 for 180*l.*, 50*l.* of which is the running gale not payable until the first of next May. I was evicted on the 20th of this month by the sheriff for non-payment of the above, and was asked by him if I would pay 180*l.*; I said no. So far back as the year 1880 I wrote and told the agent I could not pay so high a rent. The only concession I got since was an allowance of 10*l.* in one gale of rent paid in 1882. In April 1886 I wrote and told Lord Kenmare that I would not pay an impossible rent, and begged of him to give me a reduction. He did not answer my letter. I then wrote to Lord Castlerosse, as one of the trustees of the estate; he declined to give me an abatement, and suggested that with moderate farming the farm ought to be one of the cheapest holdings in the Rathmore district. I denied myself in every way to pay, what in these hard times is an unjust rent. The rates

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ and county cess amount to considerably over 40*l.* Mr. Leonard told me no abatement would be given, and in his well-known capacity as agent he offered to let Knockmasseed to a neighbour, and told him I had left the place. Mr. Leonard must have been well aware I had not removed. Such is the consideration and fair-play shown by the Kenmares to a family who has spent thousands on this farm, and who honestly paid their rent as long as they could. 10*l.* is the solitary allowance made by the landlord in 200 years. The Kenmare family never spent a penny on Knockmasseed. Therefore is it strange in the face of such hard facts that Irish tenants should call for justice. How different English landlords treat their tenants.

“ I am, Sir,

Yours “the EVICTED TENANT.”

And it is dated from Rathmore April 23rd, 1887.”

15,385*a.* Will you please tell me, Mr. Leonard (this letter appears to be a statement of the facts), what facts alleged there as facts are untrue?—Well, I should say, there are about 50 acres of arable land attached to the domain of the house.

15,386. Please answer my question. I do not think that is an answer; tell me what statement that is made there is an untrue statement in your opinion?—Well he has not referred to his own acts.

15,387. I am not asking you what he has left out. I am asking you what statement he has made there as a statement of fact which, in your opinion, is not true?—He refers to years back, which I do not speak of.

15,388. Then you cannot say they are not true?—A certain portion of them.

15,389. Can you tell me any statement of fact in that letter that is not true?—He was refused an abatement because he had a cheap holding.

15,390. Tell me any statement of fact in that letter which is not true?—Let me see the letter, and I will tell you.

15,391. Did you not attend to it when I was reading it, and did not you say you had a copy?—I thought I had a copy, and I find I have not (*the letter was handed to the witness*). As far as the 200 years is concerned they were large middlemen of the property, and they held a portion of Reanseys, Lisheen, and Rathmore.

15,392. I do not want to waste time in going into all this?—I was just going over it. In 1848 there was a lease taken out. I do not know whether the rent was increased or not, and then he says he built a new dwelling-house at the cost of 1,800*l.*; that is true, there was a new dwelling-house there.

15,393. Would it be interrupting you to ask you to deal with another portion of the letter? You say that is a true account that he spent 1,800*l.*; is it also true that the Kenmares never spent a farthing?—Yes,

15,394. Go on, please?—He says he planted 2,000 trees. Well, indeed, that is not a fact.

15,395. You do not know that?—I know it personally, because many a day I have walked the farm.

15,396. How many thousands did he plant?—I am sure there are not 3,000 trees in the whole place.

15,397. I dare say not now; he is talking of the time they were planted——go on? It is true he received a writ in 1887.

15,398. I want you to tell me what is not true. You know it will take you longer to tell me what is true, probably, than what is not?—Well, this is not true that I wanted 180*l.* when he was evicted; that is downright untrue, because I offered to take 50*l.*

15,399. Just read the letter carefully; does it say “you”?—“I was evicted on the 20th of this month by the sheriff for non-payment of the above, and was asked by him if I would pay 180*l.*” That is the sheriff?

15,400. Yes?—That is not the fact.

15,401. He says he was asked by the sheriff?—Yes, but the sheriff was carrying out my order; he was not speaking for himself.

15,402. Go on?—It is with reference to his letting Knockmanseed to a neighbour. I will tell you how it occurred. Well, that is not true,—to a certain extent, it is not true.

15,403. Any explanation you wish to make with regard to it, I will not interrupt you?—Mrs. Godfrey said the farm was not worth anything. I said that was not the

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

fact, that the farm was well worth the rent, and I said to her, "Will you sell your interest, and see what it is worth," and she said no, she would not. I said, "All right, if you won't pay me fair rent for the place I will take 50*l.* and have you evicted." After she was evicted there was a man came named Sedgwick, of Tralee, who was anxious to get the farm, and he told me he would give 200*l.* to Mrs. Godfrey for the interest. I then got Mr. Dawling, a solicitor in Tralee, to write to Mrs. Godfrey to tell her about the offer. She was in communication, as you will see by the letters in the "Kerry Sentinel," with Mr. Dawling, and he went to see the farm, and when he went there he wanted to get it for 100*l.*

15,404. You challenge that statement with regard to the circumstances as to the letting of the farm?—Yes, but let me say this; when Sedgwick went to see the farm the National League in Rathmore, of which Mr. Casey was secretary, interfered, and threatened to boycott him.

15,405. That you wish to add as another rap at the National League?—No, as a fact.

15,406. I think you have finished the letter now, have you not?—Yes.

15,407. There is only one other question I have to ask you. You can hand that back. I think you told us that the Curtin family are tenants of Lord Kenmare?—Yes.

15,408. And have been, I suppose, also for many years?—Oh, yes, a long period.

15,409. We were told, I do not know whether it is true or not—you will tell us—that owing to the treatment of the Curtin family after the murder, that the family had great difficulty in getting a living out of the land?—Well, they had some difficulty in tilling the land.

15,410. And a considerable difficulty?—Yes, Lord Kenmare sent his men out there, and sent out his machines to work it for them.

15,411. Do you represent that those difficulties had been increasing?—It was owing to a dispute they had with the National League in that neighbourhood that caused the difficulty.

15,412. Did you put in a distress on Mrs. Curtin last April?—Yes.

15,413. What for?—For rent. Mrs. Curtin and the Curtin family wanted to make themselves popular at the officer's expense, and would not pay their rent unless she got what she called a substantial abatement. The meaning of that was——

15,414. Please, I am sure I do not want to interrupt you. I wish to give you every opportunity of making an explanation. You say that you distrained on the widow, Mrs. Curtin, in April last?—Yes; but let me explain it, please.

(*Mr. Lockwood.*) Answer me first.

(*The President.*) He is entitled to explain. If you do not let him do it now, I dare say the Attorney-General will.

(*Mr. Lockwood.*) No doubt I was going to suggest that. I only wanted to get the fact.

(*Mr. Justice A. L. Smith.*) But that is not a fact; it may cause [a false inference to be drawn.

15,415. (*Mr. Lockwood.*) If your Lordship thinks there is any danger of that, I wish the explanation to be given at once. (*To the witness.*) Give your explanation at once?—In 1887, I repeatedly wrote to Mrs. Curtin for her rent, and she would send me no reply. She was, I know at the time, trying to get popularity in the district with the National League, and she wanted me, I know, to evict her, or to serve her with a writ, and I, seeing what she was at——

15,416. It was done as a personal favour, you mean?—Yes, to make her popular.

15,417. But your serving the writ, that was a matter of personal favour to Mrs. Curtin?—Yes, to make her popular in the district.

15,418. (*The President.*) That was her object?—Yes, to make her popular in the district. When I saw what she was at, and when she would not answer my letters, I neither would serve her with an ejectment or a writ, but simply issued a distress warrant and seized her cattle, and a few hours after her cattle were seized she came in and gave me a cheque on the National Bank for 60*l.*

15,419. The cattle were seized, I think, in April, as you have told us. What was the amount of rent due?—There was a year's rent due then.

15,420. Will you just give the amount?—160*l.*

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,421. And the expenses of seizure?—She was charged no costs. The expenses legally, would be about 1*l.* 10*s.*, and she was charged no costs.

Cross-examined by MR. TIMOTHY HARRINGTON.

15,422. You said something, Mr. Leonard, about pressure being brought by Sir Redvers Buller on some of the Kerry landlords, I believe?—So I heard.

15,423. Did you experience any of that pressure on the Kennmare estate?—Not the slightest.

15,424. But you met Sir Redvers Buller frequently in Killarney?—Yes, I constantly met him.

15,425. And Colonel Turner, who was then his secretary?—Yes.

15,426. And you knew something about the manner in which the pressure was being brought on other landlords?—Well, I heard about it.

15,427. And I think you ventured an opinion that it was pressure even outside the law?—Certainly.

15,428. Can you give us any specific instance?—He interfered, with the action of the sheriff; would not give the sheriff protection, or allow the protection to be given.

15,429. Are there any other officials down there who had been bringing pressure of this kind on the landlords in Kerry?—I do not think so.

15,430. Judicial functionaries who have been bringing pressure on the landlords?—No, not that I am aware of.

15,431. Did the county court judge of Kerry exercise any pressure of that sort?—No; but when ejectments were brought before him for trial, he asked the landlords to leave it to him how much he would allow, or how much he would give, and the landlords in many cases did leave it to him.

15,432. Did you always leave it to him?—I left it to him in the case of O'Shea. I had issued a writ for 10*l.* The Commissioners fixed it at 1,164*l.* I offered to leave that to the county court judge to decide, and O'Shea would not agree.

14,433. Was there a farmer named James McSweeney whose interest was sold?—Yes.

14,434. Do you remember what his interest was sold for?—He was sued for twelve months rent.

15,435. After they sued, and his farm was sold, what was about the value of his farm; the judicial value fixed?—No, that was a yearly tenancy.

15,436. After being sued and sold, the interest was bought in by you from the landlord?—Yes.

15,437. Did you accept from the man afterwards payment in respect of the arrears for which the interest was sold?—He paid it on account of the judgment.

15,438. After the sale of his interest had gone away?—Yes, on account of the judgment he did.

15,439. After the sale?—Yes, in my absence from the office, he went and paid it, when my back was turned, on account of the judgment.

15,440. Do you mean to tell the Court that he knew your back was turned when he paid it?—Yes, his farm was sold to-day, supposing, and when I was away from the office on the following day, he paid 5*l.* on account, behind my back.

15,441. And it was accepted?—My assistant accepted it, knowing nothing about the sale at the time.

15,442. Have you ever returned it to him?—No.

15,443. Although he paid it behind your back, you did not think it necessary to send it back to him?—No.

15,444. Did he sue you afterwards for a writ of restitution?—No.

15,445. Did the case come before the court in that way?—Yes, it did.

15,446. Before the county court judge?—Yes, and I offered to leave the case to the decision of the judge, and offered him any terms, and he would not accept it.

15,447. Now listen to this report of the case. It is from the "Kerry Sentinel" of January 10th, 1888. "Mr. Hennessy." That was the barrister, I believe, who appeared for the tenant?—Yes.

15,448. "Mr. Hennessy then suggested that in a case of this kind, where the tenant had actually paid three-fourths of the rent due, he had come within the provisions of the Land Act of 1887." Did that occur?—Yes.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,449. "His Lordship agreed in that, and suggested to the agent, Mr. Leonard, that "it was a case in which the tenant ought to be let go back." Did that occur?—Yes.

15,450. "Mr. Leonard refused, and said that proceedings were brought on account of "Mr. Sweeney having acted harshly towards a tenant named Rahilly, a bailiff on the "Kenmare estate"?—That is a fact also; he wantonly sold his own farm at Kenmare to a man of the name of Carroll, and then he went into possession and turned out Rahilly on the high road.

15,451. That was his legal right, at all events?—Certainly.

15,452. And a legal right that a great many of the landlords have been exercising?—Yes, it was a legal act, but a wanton act in my opinion.

15,453. And if you think it was a wanton act on his part, you would think it a wanton act on others also?—Yes, I say it would be a monstrous thing to go to a man's farm and take possession without some just reason for doing it.

15,454. Did you never enquire what the reasons were in that case?—He deliberately went on and put up his own farm at Kenmare for sale, and sold it to a man named Carroll of Maulakivane, and then went immediately and ejected Rahilly.

15,455. Do you mean to say he ejected Rahilly?—He did.

15,456. For the purposes of the sale?—For possession after the sale.

15,457. And if the person who bought the farm restored Rahilly, he would have nothing to say; there was a person who bought the farm?—Mr. Sweeney bought it himself at the sheriff's sale, then he brought an ejectment on the sheriff's sale.

15,458. We are talking of another farm; do you mean he put the farm up for sale deliberately himself, or he put you to the trouble to put up the farm?—He got a judgment against Rahilly; he put up Rahilly's farm under the Sheriff's sale; he bought it in for 5*l.*; he brought an ejectment then for possession; he got a decree for possession before the chairman. When he got the decree he brought an ejectment against the farm for non-payment of rent; the sheriff put out Rahilly for Mr. Sweeney; I walked in and put out Mr. Sweeney. Mr. Sweeney then brought a writ of restitution, and the county court judge gave a decree for possession, and although the crops of the farm were sold for 15*l.*, he went in and he swore they were close on 40*l.*; I am telling you the fact, so that Lord Kenmare, in addition to losing a year and a half's rent, lost 10*l.* in addition.

Adjourned for a short time.

15,459. You told me, I think, it was quite true that you refused to agree to the suggestion of the county court judge?—On that date.

15,460. The county court judge is not a member of the National League?—No, I presume not.

15,461. He is a pretty strong opponent of it, I suppose?—I am not aware of it. I think he is a very fair-minded man.

15,462. There are several men who are fair-minded men?—I think he is a very fair-minded man. I do not think he has any strong prejudice either way.

15,463. Do you think there are any fair-minded men on the league?—Oh, there are.

15,464. Numbers of them, I presume?—Yes.

15,465. Is this passage in the report true, "Mr. Leonard refused, and said these "proceedings were brought on account of M'Sweeney having acted harshly towards "a tenant named Rahilly, who is now a bailiff on the Kenmare estate"?—That is a fact.

15,466. "His Lordship said that had nothing to do with the present case, that the "tenant had only exercised his legal rights towards Rahilly, and that it accordingly "did not come well from landlords, to object to any man exercising his legal right"?—That is a matter of opinion.

15,467. I am only asking you whether the report is true?—Quite true.

15,468. "The present case was the most important as affecting the peace of the "county that was tried since he came into it"?—I disagree with that.

15,469. I am only asking you if the report is true?—Quite true.

15,470. "He disapproved of the landlord's action, and he strongly urged on "Mr. Leonard to consider whether it was not a case in which he would not yield to

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

“ Mr. Hennessy’s suggestion.” Mr. Downing, the solicitor, was the solicitor who appeared for you :—Yes.

15,471. In that case ?—Yes.

15,472. “ Mr. Downing asked to have the case adjourned to Tralee ” ?—No.

15,473. Mr. Downing then was trying to have it adjourned ?—No, I do not think it was Mr. Downing’s suggestion—I think it was the chairman’s suggestion.

15,474. “ Mr. Downing asked to have the case adjourned to Tralee. His Lordship said he felt very sore over it, and would not allow the scandal of it to go outside Killarney.” Is that true ?—Yes, he made use of that expression.

15,475. “ Ultimately the case was allowed to stand to see if any arrangement could be arrived at between the parties ” ?—At his suggestion—at the Judge’s suggestion—and he adjourned it to Tralee.

15,476. It appears from this—it is said here that “ he would not allow the scandal to go outside Killarney ” ?—That is not a fact. He adjourned the case to Tralee owing to an impertinent observation of the tenants.

15,477. We are talking about different things ?—No, indeed, it is the same case of the tenant, M’Sweeney. Before the judge decided the case, M’Sweeney made use of an improper observation, and then the judge turned round, and said, “ I will adjourn the case to Tralee.”

15,478. You will come to that if there is any report, but was it not the case of a man named Michael O’Leary ?—Not at all.

15,479. You have said, however, that this paragraph in the paper is true ?—Yes, except the latter part of it, I say.

15,480. “ His Lordship said he felt very sore over it, and he would not allow the scandal of it to go outside Killarney ”—was that stated ?—Yes, he made that a personal request of me.

15,481. Answer the question first—was that said by the County Court Judge—were those words used ?—Yes ; he addressed a personal request to me. I did not feel at liberty to accede to that request, as I believe M’Sweeney’s conduct was improper.

15,482. At that same session we had a description from you of a number of dummy writs that were served on the tenants of the estate ?—Yes, owing to the action of the National League.

15,483. You have National League on the brain ?—No, not at all ; but I have experienced a tremendous lot of trouble from it.

15,484. And I do not suppose you anticipate that all the trouble is over yet ?—Indeed I do not.

15,485. Now, apart from the Dublin ejectments which you have deposed to in your answers to Sir Charles Russell, were there any proceedings taken before the County Court Judge ?—Yes, civil bill claims—civil bill decrees, not civil bill claims.

15,486. Civil bill decrees for rent ?—Yes.

15,487. Now, on this very date we are speaking of—on the day on which this case was heard—had you not 70 processes for rent for hearing before the County Court Judge ?—I think there were about 50.

15,488. Then it would not be true there were 70 ?—No, I think there were 50 decrees heard.

15,489. Was there the case of Patrick Liddane ?—Yes.

15,490. For 17*l.* 10*s.* 6*d.* ?—Yes.

15,491. Due on the 1st May, 1887 ?—Oh, no ; that was rent due on the 1st November, 1885.

15,492. Due the 1st November, 1885 ?—Yes, 1885. He owes the 1886, 1887, and 1888 rent at the present moment. That was a civil bill decree of the 1st November, 1885.

15,493. You did not think it necessary to take proceedings against him for the whole amount ?—Certainly not, because I would be heaping costs up which he could not pay me. Why should I heap costs up for 1886, 1887 and 1888 rent which he could not pay me.

15,494. That is a case of making payment by a tenant, whom you knew could not pay the rent ?—I knew he could pay 12 months’ rent, but not three years’ rent.

15,495. And the 12 months’ rent you were prepared to extract from him by legal process, was 12 months’ rent which was to be dated three years’ back ?—Which did date back, it fell due the 1st November, 1885.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

- 15,496. You knew that he was unable to pay more than one year's rent?—Yes.
- 15,497. You took no effort to wipe out the arrears, which you knew he could not pay?—I did not, because if he put the interest of his farm up to-morrow, the whole arrears would be wiped out.
- 15,498. Answer the question simply, please?
- 15,499. (*The Attorney General.*) What is the name?—Patrick Liddane.
- 15,500. (*Mr. T. Harrington.*) Though you knew his capacity to pay was only the payment of one year's rent, you took no steps to recommend that the other two years which he owed should be wiped out?—I did not, because I had no notion of asking him for it.
- 15,501. No notion of asking him for it?—No.
- 15,502. Have you now?—No, I have not.
- 15,503. And you will not ask him?—Ultimately, I may, if I see he gets on, and can pay it, I will ask him for it.
- 15,504. It remains there at all events, and it remains on the books against him, until he is able to pay it?—Certainly.
- 15,505. Then the next I have is Eugene Moynihan, was he sued at the same sessions?—Yes.
- 15,506. The decree is given against him for 14*l.* 8*s.* 8*d.*?—I should presume he was; if you can give me the name of the tenant, and when due, I could tell you.
- 15,507. Due the 1st May, the yearly rent being 12*l.* 4*s.* 4*d.* Dennis Leary, do you know anything about him?—Indeed I do, of Connycurran. That man owes four years' rent; at the present moment he has eight cows, and he owes four years' rent.
- 15,508. (*The Attorney-General.*) What is the amount of the rent?—The rent is 16*l.* a year, and he has got 5*s.* in the £ of that, and at present he owes November 1886, the whole of 1887, and the whole of the 1888 rent.
- 15,509. (*Mr. T. Harrington.*) Which you hope he will be able to pay?—That depends upon circumstances.
- 15,510. If the times get prosperous?—Yes.
- 15,511. That rent will remain until the times do become prosperous?—Certainly, until I consider he is able to pay.
- 15,512. Did I understand from you that you make an entry in the book which would enable a future agent to know the condition of things, and to deal leniently with these men?—Certainly, in every tenant's ledger account there is a page for observations, and I consider it my duty to enter the circumstances of each tenant, as far as I can make them out.
- 15,513. Patrick McCarthy, do you know him?—Indeed, I do know Pat McCarthy, the man who had fever in his family, and who had a wake to his wife or daughter, I think, in the high road.
- 15,514. A wake?—Yes; the neighbours. He had a fearful fever.
- 15,515. Is there anything of interest in his case that makes you think it necessary to mention that?—Yes, it is interesting; the man lost his wife.
- (*The President.*) Is this all necessary?
- (*Mr. T. Harrington.*) I want to examine the witness as briefly as I can, but I do not like to stop him, my Lord.
- (*Mr. Justice A. L. Smith.*) It does not seem that you are very quick in going through these 50 tenants.
- (*Mr. T. Harrington.*) Oh! I am very quick.
- (*Mr. Justice A. L. Smith.*) It does not seem that you will be very quick.
- (*Mr. T. Harrington.*) I am not going through the whole of them, but as many as the witness will allow me.
- (*The Attorney-General.*) You should allow him to answer.
- 15,516. (*Mr. T. Harrington to the Witness.*) Had he fever in the family before the seizure was out against him?—He had a fearful fever in his family in 1883 and 1884. It was so bad that when the neighbours attended the wake, they would not go into the house; they waked the remains on the public road; he was sued. He has got nine cows, and I demanded a gale rent, and left 5*s.* in the pound for him; that is the May 1885 rent, and he would not pay it, and I had to get a decree against him, and I seized the cows ultimately; and the very minute I seized them, he came in and paid the gale's rent.
- 15,517. You do not know where he got it from?—No, but I know he had it.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,518. Do you believe he borrowed it?—No, I do not.

15,519. Have you known instances of the men having to borrow the money to pay the rent?—Yes; I have known tenants going to the bank, and raising their rents on bills.

15,520. And I suppose you have subsequently known by their appearance that they have not been able to pay it back?—It has occurred from time to time.

15,521. Is it a fact that in cases where tenants have so acted and have received money from shopkeepers towards the remainder of their rents, that you have in many instances afterwards endeavoured to shield them from the shopkeepers, and assist them at the time by taking their cattle for the landlords and marking them?—In several cases on the property. Several of the tenants were broken down, and in order to help them on, I found it necessary to seize their cattle, sell them, and let it back to them as a grazing agreement, that is, to protect them and bring them on.

15,522. To protect them from whom?—Oh, from the different creditors.

15,523. To whom they owed money?—Yes; but I always told them that they must pay their debts by instalments, that is 1*l.* a quarter, or 2*l.* a year according as I see.

15,524. (*The Attorney-General.*) That is the shopkeepers, you mean?—Yes.

15,525. (*Mr. T. Harrington.*) You have always protected them from the shopkeepers by marking the cattle?—In their case of any struggling men, I always did it.

15,526. It is a common practice with you on the estate?—I cannot say it is a common practice.

15,527. Have you, as a matter of fact, been sued several times for the property?—Yes, I have.

15,528. Have the shopkeepers recovered judgments against yourself, and not against the tenant?—Against the tenant.

15,529. And their assignment to you has been broken in some cases?—No, the assignment has not been broken; at the present moment there is an action in the Superior Courts, which you advised as counsel.

15,530. Do not mind the action, I am advising; you know more than I do?—Well, I have your letter.

15,531. Do you know a tenant named David Welch?—David Welch of Moringtory, oh, quite well.

15,532. Did you do a service of that kind for David?—Yes, David Welch had to be evicted and——

15,533. I do not want the details?—You must allow me to explain; I must ask his Lordship's permission to explain.

15,534. If it is the explanation, I do not object, but if it is a question of detail, I do not want it?—If you ask me a question, I ought to be allowed to answer it.

(*The President.*) At present, you have only been asked the name.

15,535. (*Mr. T. Harrington.*) Cornelius Leary, did you do a service of that kind for him?—Yes, Cornelius Leary of Moringtory.

15,536. You told us something about the action of Sir Redvers Buller bringing pressure to bear upon the landlord. Do you know Sir Redvers Buller's successor in Kerry?—Yes.

15,537. That is Colonel Turner?—Yes, I know him since he came to Kerry.

15,538. Has he in his own capacity since Colonel Turner left interfered to any extent?—No, not to my knowledge.

15,539. Not with regard to the Kenmare estate?—No, he had some correspondence, I believe with Solomon Standish Melish; I only know what I saw in the papers.

15,540. You saw in the papers that he said if the tenants referred their cases to him?—I believe so.

15,541. And did not take part in the agitation, he would go to Lord Kenmare himself about it?—Yes, it was quite unnecessary,

15,542. Quite unnecessary on his part as far as you were concerned?—Yes.

15,543. But he did not see it?—He ought to have seen it before he made that statement; he asked me for the particulars about the estate, and I gave them in writing.

15,544. But he did interfere?—He asked me to send him particulars of the estate with reference to the tenants, and I did, in writing, weeks before he wrote that letter.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,545. Now, with reference to the money that was expended on the estate, those cases that came before the Court subsequently, where there money expended on the estate touched the farms in question, was evidence given of the money expended by the landlord there?—Certainly.

15,546. And consequently that expenditure was an element to be taken into account by the Commissioners in fixing the judicial rents?—Certainly.

15,547. So that, although the tenants do not directly pay for the expenditure, they indirectly are paying rent for it, by its being a consideration in the fixing of judicial rents?—The whole evidence in connexion with that holding was laid before the Commissioners, and they decided as they thought best.

15,548. Now some of the money expended at that time, I believe, went to open up the bogs upon that estate?—A portion; I think three roads were opened into the bogs.

15,549. At one time the tenants on the Kenmare estate had the bogs free?—At a nominal rent—a penny a yard from Mr. Galway, and Mr. Hussey put 2*d.* a yard since the times got disturbed.

15,550. Worse than disturbed?—Yes, perhaps got down, and the tenants have not been charged for the bog.

15,551. But they were charged after this expenditure of the money in opening up the bog?—Mr. Galway charged them 1*d.* a yard, and Mr. Hussey put 2*d.* a yard.

15,552. That was after this expense?—After expending 163,814*l.* on the whole estate.

15,553. We are speaking of a portion of it; you say none of that money was expended on the mansion?—Not a penny.

15,554. Some of it was expended on demesne?—Yes, a portion of it was which gives local employment.

15,555. And a portion of the expenditure on the demesne surrounding the mansion consisted in throwing down some of the houses of the peasantry, and extending the demesne, did it not?—Yes, there were four or five tenants; five tenants gave up position at a posse, for which they got a sum of 3,008*l.*

15,556. And that is the money which went to improve the tenantry on the estate?—No, that is quite separate altogether.

15,557. That is not an item?—It is not an item, Lord Kenmare wanted——

15,558. Listen to my question. Did a portion of the money which you say was expended on the estate go to throw down the houses of some of the tenantry there?—Certainly not.

15,559. Not to extend the demesne?—There was 163,814*l.* expended on improvements in the estate.

15,560. Was this an improvement?—No, it was not.

15,561. Did any of the money that you speak of as being expended?—No, not a bit.

15,562. Go to buy out these tenants?—No, that was quite separate altogether.

15,563. Have you not already told me that portion of the money you referred to went to the extension of the demesne?—No, I think not.

15,564. Was the demesne extended?—Yes.

15,565. And considerably extended, too?—Yes.

15,556. By the inclusion in all, I believe, of some 16 estates?—No; four tenants, I think, were bought, or five. The land adjoining the demesne was held under a middleman's lease in 1811, and when this expired Lord Kenmare gave the tenants two farms in occupation, and, in addition to that, he paid the large sum of 3,023*l.* compensation.

15,567. And not only was some of the money expended on the demesne, but was not some of it expended in the town of Killarney?—Yes, 1,982*l.* 3*s.* in the town of Killarney.

15,568. Was that in permanent improvements of the town itself?—Yes, cottages, schools, and lighting the town.

15,569. Cottages for which rent has been paid?—Rent is being charged, but, I regret to say, not paid.

15,570. Do you mean to say the rents are not paid?—There are a few exceptions, but the majority are not.

15,571. Did a portion go to the erection of the town hall?—Yes.

15,572. Is there any charge for that?—I told you it is let to the public for amusement, and they are only charged for the lighting.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,573. Are the town commissioners charged?—No.

15,574. Were they at any time?—No, never.

15,575. There were some cases of evicted farms; I want to ask you about those. How many evicted farms can you tell me are there upon the estate at the present time?—There are 19 agricultural holdings evicted and one sown field.

15,576. Now vacant?—Yes, now vacant.

15,577. Are the majority of them vacant since 1880 or 1881?—Yes.

15,578. Many of these are since 1881, I think;—Yes, since 1881.

15,579. Now, I want to ask you a question with respect to this; Lord Kenmare has been raising some of these himself?—Yes.

15,580. Have you refused to pay the poor rates for them?—No, not on the farms that I actually stopped.

15,581. Have you refused to pay poor rates with respect to these vacant farms?—I refused to pay poor rates upon farms which were vacant, and which were common property, which farmers—neighbouring tenants—feed, pulled down the fences, and feed it regularly.

15,582. Was Lord Kenmare, not you, brought into Court?—Yes.

15,583. With respect to these farms?—Yes.

15,584. And he had refused to pay them?—Yes. The guardians of Killarney Union sued him for 18s. 3d.; then the case went to the Court of Appeal, and ultimately they had to pay 5l. costs.

15,585. In default of the payment of 18s. 3d.?—Yes.

15,586. Were there other cases besides that?—Yes.

15,587. Now, I want to ask you one question about the distress of Mrs. Curtin what was that distress for?—For 12 months' rent.

15,588. Did that include what is usually termed the hanging gale?—Yes.

15,589. The hanging gale, you will explain to their Lordships, is usually allowed in arrears?—Yes, within four months.

15,590. After it falls due?—Yes.

15,591. It is not usually taken from the tenant, but usually demanded from the tenant?—Not within four months after it falls due.

15,592. But, in the case of Mrs. Curtin, though ordinarily, if she had paid the one year's rent, you would have expected it?—Certainly.

15,593. When you went to sue, you sued her for two?—I never sued her.

15,594. Well, a distress?—That is not suing.

15,595. Is it not?—No.

15,596. Usually it is?—That may be, but it is not suing though.

15,597. It was a legal process?—Yes.

15,598. When you went to seize, you seized in respect of the whole lot?—Yes, according to law. I followed the law of it.

15,599. Half of which she would not have to pay in the ordinary course?—Yes, and I did not ask her to pay it. I only asked her to pay what she liked, and she gave me a cheque for 60l., which was 20l. short of the ordinary gale, besides running gale, and with reference to the evicted farms, I have repeatedly offered the tenants to sell their interest in it, to put the whole of the purchase-money into their pocket, and have the incoming tenant go into Court and fix the fair rent of them. Another offer I made to them was to pay a gale's rent and wipe out all arrears, and I would give 5l. abatement on the gale's rent and remit all the costs, and they would not take it, and I am quite prepared at this moment to carry it out.

15,600. (*Sir C. Russell.*) What was that offer?—Do you mind repeating it?—I offered all the evicted tenants on Lord Kenmare's estate to sell their inrerest, to put the whole purchase-money in their pocket, and have the incoming tenant come into Court, and fix a fair rent, and wipe out all arrears.

15601. How about the tenants?

15,602. (*Mr. Harrington.*) Would you allow the tenants to be re-instated?—I offered the tenants, if they would pay me one gale's rent, I would give 5s. in the £, and wipe out all arrears, and let the Court fix the future rent of the holding.

15,603. When did you make that offer to the tenants?—Since I became agent in 1886.

15,604. Tell me one evicted tenant to whom you made that offer?—Every one.

15,605. Let us have a definite name?—I will give you an instance.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,606. Let us have a definite name?—Will you allow me. There was James Flynn, of Shahies. He was evicted on the 19th of December 1881. Con. Casey, of Connigar, put 200*l.* into my hand, and said, “If Flynn gives up his good-will of that farm give him the 200*l.*” I sent for Flynn, and I sent for his father-in-law, John Kerrisk, and I said, “Here Flynn, I know you are not able to redeem the land, but if you will write me a consent to give over your interest here is 200*l.*, and walk away with it.” The tenant would not accept it. His father-in-law, John Kerrisk, turned him out of his house, and he is now living in a hovel in Killarney.

15,607. I ask you to give me one single instance of an evicted tenant to whom you made the offer that you would reinstate him?—Yes.

15,608. I only want one?—There is Mary Twoomy of Tooreencahil.

15,609. (*The President.*) That is one name?—There are two.

15,610. Let us have the names?—There is Mary Twoomy of Tooreencahil, who sold to Cornelius Sheehan.

15,611. Who is the other?—Jeremiah Connor, of Moulagough, who accepted my offer, and is now in possession.

15,612. (*Sir C. Russell.*) What are the two?—Mary Twoomy of Toorencahill, and Jeremiah Connor, of Moulagough, otherwise Gorthaneboy East.

Cross-examined by Mr. DAVITT.

15,613. I will only ask you a very few questions. I think you said there were no other organizations in Kerry, except those of the League?—With the exception of a small portion within the neighbourhood of Killarney.

15,614. If other witnesses called by the “Times” swear to the contrary, you would not be of the same opinion?—Certainly not.

15,615. Will you say that you have better sources of information as to the existence of societies than the police?—I think I have better.

15,616. You have better?—I think so.

15,617. Than the police of Kerry?—Yes, because I hear things, and things are told me that would no more be told to a policeman than a person fly in the air.

15,618. Do I understand most of your time is devoted to your duties as a land agent?—Altogether, and unfortunately, I could not get a week’s leave in seven years.

15,619. I am sorry for you. If a police officer swore that nearly every village had its secret society, you would not agree with him?—Certainly not.

15,620. You would not?—Certainly not.

15,621. I think you said, Mr. Leonard, that the National League was as powerful as ever in Kerry?—Certainly.

15,622. And that refers to all this year?—Yes, certainly.

15,623. Then, if the Chief Secretary said that the National League was a thing of the past, you would not agree with him?—Most certainly not.

15,624. Then you have better sources of information about the National League than the Chief Secretary for Ireland?—Certainly, because I put my back to a rick of turf in the county when tired after taking a long walk, and I talk to people there, and hear things which no chief secretary or no constabulary officer would hear at all.

15,625. Did you put your back to every turf stack in Ireland?—No, indeed.

15,626. Then your experience in that respect is confined to the Kenmare estate?—Certainly. I have done my utmost to know all about the estate.

15,627. I think you said you think evictions ought not to contribute to outrage or disturbance?—I say ordinary evictions—harsh evictions, I say, would contribute.

15,628. But you think that an ordinary eviction would not?—Yes.

15,629. That is an eviction which is brought about by the misfortune of the tenant, his ill-luck or a bad season?—Certainly.

15,630. Then would you say that it is not human to resist the destruction of a home? Well, it is illegal to resist the sheriff, you know.

15,631. It is illegal, I admit; but would you say it is not an error common to humanity to resist destruction of a home?—I know the tenants are very fond of their homes, and it is the last extremity with an agent to evict them, as far as my experience goes.

15,632. They cling to them with a peculiar fondness?—Yes; they cry bitterly after they are put out.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,633. Then an eviction under those circumstances would naturally lead to resistance on the part of the evicted people?—Certainly.

15,634. Speaking humanly?—Certainly. There is Mr. John McMahon of Bushmount. I had to take 400 men to evict him.

(*The President.*) Reserve this for re-examination.

(*The Attorney-General.*) Yes, my Lord.

15,635. (*Mr. Davitt.*) I will put it in this way. If you were a poor man (I hope you never will be) and you saw yourself and your children evicted through your misfortune, you would not think much of the law?—Well, I cannot say really what I would do at present, but I know I would not evict a poor man, nor have I done so.

15,636. But if you were in this position you would possibly think that the law was wrong or unjust?—Well, until I experience it I would not like to think over it.

15,637. I hope you never will. I have experienced it, and I hope you never will. You say that there are 200 poor tenants on Lord Kenmare's estate?—About that.

15,638. Did the trustees of the estate ever omit the rent?—No. In any case I have presented to the trustees they always acted on my representation.

15,639. But you enforce the rent legally on these poor tenants?—No, I do not. Now there is John Herlehy: of Gneeveguilla, I was out in his part of the country one day, and I saw three cows of his dead on the floor, died of disease; and I represented to the trustees his case. He owes at present two year's rent, and the trustees the other day remitted a gale's rent.

15,640. You deserve every credit for it, but does this apply, as a rule, to the 200 poor tenants?—It does.

15,641. As a rule, though you take the rents?—What they ever offer me I take, and I do not touch them. A man owed me 105*l.* He brought me in a 3*l.* note, and said, "I will pay you shortly," and I took it from him.

15,642. The rule is to take from these 200 poor tenants what they offer?—What they offer.

15,643. And that rule will continue in the future?—Most certainly.

15,644. I am very glad to hear it. You say that people were blue with hunger in 1879 and 1880?—Certainly.

15,645. Did you ask any rent from them in that year?—I did certainly from people who were well able to pay.

15,646. You did?—I did.

15,647. Did you exact rent with from those who were blue with hunger?—No; tenants who were able to pay.

15,648. (*The President.*) Just the contrary; he said from tenants who were able to pay?—What is more than that, besides the expenditure of 300*l.* a week on the property, Lord Kenmare cut down his woods and opened it to all the poor people of Killarney.

15,649. (*Mr. Davitt.*) Did any of those poor people, who were blue with hunger, pay rent in 1879–1880?—No; how could they pay it?

15,650. And the arrears were forgiven?—The arrears are remaining on the books against them to the present day.

15,651. You said 2,000*l.* was expended in seed potatoes in 1880 on the estate?—Yes, 2,381*l.*

15,652. Were they given by grant?—Lord Kenmare paid them out of his rents.

15,653. Did he get them back?—Not one farthing,

15,654. Did he ask for it?—No.

15,655. Was the distribution of the potatoes in proportion to the rent paid by the tenants, or were the potatoes given indiscriminately?—No, the potatoes were apportioned out according to the tenant's valuation.

15,656. Indiscriminately; not as to whether they had paid their rent or not?—No, because the potatoes were got for the estate, and they were distributed as best we could.

15,657. You said that portions of Galway and Clare were worse than in Kerry?—I have seen a small portion of Galway, and been in a small portion of Clare, and from my observations, I consider they are worse than Kerry.

15,658. With reference to the poor tenancies on the Kennmare estate, I suppose in many houses pigs inhabit the same apartment as the family?—Oh, yes.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,659. You consider that a very low condition of social life?—Certainly. They would sooner part with their hand than part with the pig out of the house.

15,660. The pig plays a prominent part in the payment of the rent, I think?—Yes, and to give you an instance, now, if you will allow me—

(*The Attorney-General.*) Do not.

15,661. (*Mr. Davitt.*) In that case, neither agents nor landlords have the same objection to bacon that the Jews have?—No, indeed; it is a most useful commodity.

15,662. You say that Sir Redvers Buller went to Kerry and had some conversation with you?—Yes.

15,663. Do you know that this gentleman said before the Cowper Commission that the people believed that the League had been their salvation?—Yes, I believe I read he said so.

15,664. Do you agree with him?—I do not think he knew very much about the country at all.

15,665. I did not ask you that. Do you agree with him?—No, indeed, I do not.

Cross-examined by Mr. BIGGAR.

15,666. I think you told us last night that the O'Donoghue was the first gentleman who started the agitation in your neighbourhood?—Yes, on the 9th January 1880.

15,667. The O'Donoghue is, I believe, a native of Kerry, is not he?—Yes, he used to live a few miles from Killarney.

15,668. He lived a good part of his life in Kerry?—I could not say a good part of his life in Kerry. The remainder of his life he has lived a short time in Kerry. He has been away in France and London, you know, a long time.

15,669. He would know a good deal about the circumstances of the Kerry people, does not he?—I do not think he does.

15,670. He never knew much about them?—I do not think he does, except what he has been told by certain people in Killarney.

15,671. Has he been a Member of Parliament a considerable time?—Yes, he represents the borough of Tralee, which is 20 miles away.

15,672. He was a landlord himself in Kerry, was not he?—Yes.

15,673. Was he a member of the Land League, do you know, or the National League?—I do not think so.

15,674. In point of fact, he is a Liberal Unionist, is not he?—I do not know what he is; I could never find out. He changed so often it would be impossible for me to remember what he is.

15,675. You told us last night about one outrage—the cutting off of the ear of a horse?—Yes.

15,676. Have you any idea what the value of the horse was?—He got 20*l.*

15,677. Have you any idea what the value of the horse was?—Well, if I was buying him before his ear was cut off, I would have given about 16*l.* for him.

15,678. And this award of 20*l.* for a 16*l.* horse was given by the magistrates of County Kerry?—Originally it was given by the cess-payers and the magistrates, and then it went before the Grand Jury.

15,679. They give the final award?—Yes.

15,680. They are the final judges?—Yes.

15,681. That, I suppose, is a reasonably fair sample of the way in which the Grand Jury of County Kerry and other counties in Ireland adjudicate in cases of that sort?—Well, it is a sample; but the extra 4*l.* was put on for costs which the tenant would have to pay the solicitor for moving in the matter.

15,682. Is not that contrary to the law to put anything on for costs?—Yes, it is contrary to law, but it is always done.

Re-examined by the ATTORNEY-GENERAL.

15,683. Now, we will have a little more information from you on the particular point you have been asked about. In the first place, you were asked whether you read those letters before the Commission?—Yes.

15,684. I do not know whether you have looked at your evidence to see how many you read before the Commission?—I believe four.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,685. I think it was six. You have read 20 or 30 before their Lordships. Now, listen to this:—A question was put to you by Sir Charles Russell as to your having seen the tenants before they wrote the letters. Do you remember that question being put to you? You said you had seen them, and they had paid their rent in the ordinary way?—Yes.

15,686. Had you anything, direct or indirect, to do with those letters being written to you?—Never.

15,687. Did you ever suggest any one of the letters being written to you?—Never.

15,688. Or use any expression to a tenant to make him write you a letter?—Never.

15,689. Is there any foundation for the suggestion?—Not the slightest.

15,690. You have spoken about receiving those letters in the periods of 1881 and 1882, and 1885 and 1886?—Yes.

15,691. In between, in 1883 and 1884, did you receive any of them?—No, none.

15,692. Had you ever received any of them before 1881?—No, never. Tenants used to come in, and openly pay their rent.

15,693. You have told Sir Charles Russell that a number of respectable people joined the League?—Yes.

15,694. Why did they join it?

(*Sir C. Russell.*) How can this be evidence put to the witness?

(*The Attorney-General.*) What do you think?

(*Sir C. Russell.*) I object to that question. He asks why did they join. He is asking this gentleman to dive into the minds of these people, and give his own reason for what their reason was.

(*The President.*) I do not think it is worth pressing.

(*The Attorney-General.*) Very well, my Lord.

15,695. Now, my friend put to you that you had been picking up crumbs of evidence against the Land League and the National League. Had you any idea at all of giving evidence when these matters happened?—Not the slightest in the world.

15,696. Did you ever give any evidence against the National League at all till the Cowper Commission?—No, never; but I had to find out all about them, in order to be able to fight them.

15,697. You were endeavouring to get information in order properly to discharge your duty?—Yes.

15,698. One word about the poor-rate. Does the landlord pay half?—Yes.

15,699. I think in one district you said the poor rate was high. Which district was that?—Coom electoral division.

15,700. Was there a special reason for that?—Yes; awful outdoor relief was given by the local guardians in that division.

15,701. Did persons go there for the purpose of getting relief?—Anybody who applied to the guardians got it.

15,702. And there was in that district a very large proportion of outdoor relief?—Yes.

15,703. Did that at all prevail in the other parts?—In some electoral divisions it did.

15,704. To the same extent?—Well, not to the same extent.

15,705. Sir Charles Russell asked you whether evictions produced crime, or ought to produce crime. You stated that you had evictions before 1881. You gave us the numbers of them?—Yes.

15,706. In your opinion (whether they produced sorrow is another matter), had those evictions had any effect on the crime of the district?—Not a bit, not until the starting of the Land League.

15,707. Had they had anything to do either with subsequent resistance to law or anything to do with any other evictions that happened afterwards?—No.

15,708. I should like to refer to one particular matter. You were asked to name the date of an interview with Herlehy, and you named 18th December, and I think you have got the writ there?—Yes.

15,709. Was that the date on which he called after he had written, and on which you gave him the writ?—It is the day he called asking me to send a copy by post.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,710. You are able to fix it by the memorandum?—Yes; I endorsed the writ at the time.

15,711. I want to refer to Mrs. Honoria Shea. Sir Charles Russell referred to a part of what was said by the Land Commissioner in Shea's case; I think it was 1884?—Yes.

15,712. I will read a part of the judgment I want to refer to:—"Mrs. Honoria Shea had three farms adjacent to each other." This is the language of Mr. McCarthy, who was the Commissioner, part of whose judgment Sir Charles Russell referred to: "Mrs. Honoria Shea had three farms adjacent to each other, and in the immediate precincts of Killarney. There has been no increase of rent since the farms were taken in 1866. The landlord has made a large expenditure on farm buildings. Taking into account the expenditure, we think the first farm is value for the present rent of 108*l.*, and we fix the specified value at 524*l.*" I presume the 524*l.* was the tenant's interest?—Yes.

15,713. "Although the second farm has 20 acres of deep soil, we think the rent should be reduced from 90*l.* to 80*l.*, and we fix the specified value at 320*l.*" That was also the tenant's value?—Yes.

15,714. "In the third case, we reduce the rent from 80*l.* to 75*l.*, and we specify the value at 320*l.*" Were those the three interests, amounting to about 1,100*l.*, which you referred to in answer to my Lord as being sold for 10*l.*?—Yes.

15,715. That is to say, they were on those rents not having been raised, and that being the finding of the Commissioners as to the interest?—Yes.

15,716. Does Lord Kenmare actually pay rent for that land himself?—Yes; he is paying close upon the amount the tenant is paying within a few pounds.

15,717. Is it the same?—I think there is about 5*l.* profit on it.

15,718. You were asked as to one of your answers before the Cowper-Commission, and Sir Charles read one. This is the one he read: "Then, in your opinion, there is no necessity for a revision of the judicial rents?" Then you answer, "Certainly not, because the Land Commission strained every point they could in favour of the tenant; (2) and rents can be paid now throughout the estate, not only the judicial rents, but in the other cases also" And you answer, "Certainly; but Lord Kenmare's trustees gave 25 per cent. on the last gale." You are speaking of 1886?—Yes.

15,719. "And they are giving 20 per cent. on this December gale?"—Yes.

15,720. It had been suggested in 1883, Lord Kenmare's property was in the hands of trustees, and you said it was the fact?—Yes.

15,721. Was there any difference in your management of the estate after the trustees took possession of it?—Certainly not.

15,722. Have you dealt with the tenants in the matter of either turning them out or exacting rent, or letting them off in the same way as before?—On my own responsibility.

15,723. And you have not been fettered by the trustees in any way?—Not in the slightest degree.

16,724. I will only ask one question with regard to Lord Kenmare himself. Had he lived in the place?—Oh, yes; about five or six months throughout the year.

15,725. I should like to read to you, and ask you whether it is correct or not, another judgment of Mr. Commissioner McCarthy's?

(Mr. Lockwood.) Another judgment.

(The President.) What is this about? How does this arise?

(The Attorney-General.) If your Lordship thinks not I will get another opportunity of proving it.

15,726. Will you just explain what you meant when you said the Arrears Act of 1883 made the people dishonest? I want you to explain that?—It prevented the honest men paying their rents.

15,727. Were there to your own knowledge persons who were able to pay their rent got into arrear?—Certainly.

15,728. Did that prevail to any considerable extent?—It did.

15,729. Now you mentioned a case of Cronin, and one letter was referred to which Cronin had written, where his family, I think, sent the money from Manchester?—From Dublin.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,730. In that case was Cronin able to pay himself?—Well, I do not think so.

15,731. That was a case of charity?—I do not think he was. He was a feeble man, and his wife was delicate, but he was a thoroughly good, honest, hard-working fellow.

(*The Attorney-General.*) I am passing over as much as I can. I only want to refer to particular points. I do not want to go over the ground again.

15,732. You have been asked particularly about this money which went to improvement, part of it having come from the Government. I want to get this clear. Has it to be repaid in a certain number of years?—Yes, within 35 years.

15,733. By instalments?—By instalments.

15,734. The landlord paying back the principal and a low rate of interest by instalments?—Yes.

15,735. But as far as the tenants were concerned, did the money which was spent go to relieve by paying the wages to the tenant?—Each tenant was allowed to drain his own land, and he was paid as he got on by the work.

15,736. He received money for draining his own land?—Yes.

15,737. Therefore he got improvement by drainage, and the payment for the work?—Yes, he got about 7*l.* 10*s.* an acre for draining the land, which he did with his own labour and his son's aid.

15,738. Will you explain a little more about this rise of rents. I understand you to say the total rise on the whole estate was 2,250*l.*?—Yes.

15,739. You will remember the figures; 453 tenants, about 5*l.* apiece altogether?—Yes.

15,740. I think you said the gross rental was how much?—About 32,000*l.*

15,741. I am speaking of the Kerry estates?

(*The President.*) It was 40,000*l.* with the others.

15,742. (*The Attorney-General.*) 32,000*l.* in Kerry, upon which there was a rise of 2,250*l.*?—Yes.

15,743. Was that rise made by merely a percentage, or was it by examining each holding?—By examining each holding.

15,744. And going into the case and seeing whether more rent should be charged?—Yes. The Land Commission afterwards reduced that by 803*l.* 13*s.* 4*d.*, and we voluntarily reduced it further by about 150*l.*

15,745. That is about 950*l.* altogether?—Yes, that leaves the outstanding rise on the property about 1,200*l.*

15,746. That took place in 1875?—1875, 1876, 1877, and 1878.

15,747. Apart from the request for a reduction when there was special distress, had there been any complaint of that rise as a rise?—The tenants grumbled at it.

15,748. The tenants grumbled at it?—They grumbled at it of course.

15,749. Were they good years, from 1862 up to 1875?—I can only speak from 1875 to 1878; they were very good years.

15,750. You said something about he did not raise the rents at all beyond what they were before the famine?—Certainly. Mr. Hussey thought it his duty to put them up to what they were before the famine.

15,751. And notwithstanding what has happened since, the reduction still leaves about 1,100*l.* above what they were in 1875?—Yes.

15,752. I think you answered clearly about the leaseholders. You had 150 leaseholders on the estate?—152 before the Land League.

15,753. Only two have taken you into court at any time?—Yes.

15,754. And both those were under a voluntary arrangement, and not under the Land Act?—Certainly.

15,755. I notice that in General Buller's letter of the 3rd of April 1880, occurs the statement that at that time crime was no worse in Ireland than it was in England. I want to ask you about your particular neighbourhood. Speaking of your own neighbourhood, up to the end of 1880, was the place free from crime?—Certainly. It was free from any kind of crime until after the 9th of January 1880.

15,756. There had been considerable distress, I understood you to say, in the autumn of 1879?—Yes, and in the spring of 1880.

15,757. Had that distress, to your own personal knowledge, produced any increase of crime?—Certainly not. You could go over all the whole estate at any hour of the night.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

15,758. Had the subsequent outrages, in your judgment, had any connexion, in the district you are acquainted with, with the previous distress?—Certainly not.

15,759. I must ask you to listen to a passage out of this Commission, to which Sir Charles Russell referred. It is the report of the Commission of Lord Cowper, Lord Milltown, Mr. Caird, and Mr. Neligan. It is under the head of "Combinations" at page 7. "It appears from the evidence that the operation of the Land Law (Ireland) Act, 1881, has been affected in many districts by combinations to resist the payment of rent, and the right of free sale. In Ulster such combinations do not, as a rule, exist. In the other provinces, combinations made themselves felt before the passing of the Land Act, 1881, and have in various forms continued to the present time. Outrage was at first made use of to intimidate parties who were willing to pay rents, but latterly the methods of passing resolutions at National League meetings, causing their proceedings to be reported in local newspapers, naming obnoxious men and then boycotting those named, have been adopted. Tenants who have paid even the judicial rents have been summoned to appear before self-constituted tribunals, and if they failed to do so, or appearing, failed to satisfy those tribunals, have been fined or boycotted. The people are more afraid of boycotting, which depends for its success on the probability of outrage, than they are of the judgments of the courts of justice. This unwritten law in some districts is supreme. We deem it right to call attention to the terrible ordeal that a boycotted person has to undergo, which was by several witnesses graphically described during the progress of our enquiry. The existence of a boycotted person becomes a burden to him, as none in town or village are allowed, under a similar penalty to themselves, to supply him or his family with the necessaries of life. He is not allowed to dispose of the produce of his farm. Instances have been brought before us in which his attendance at divine service was prohibited, in which his cattle have been, some killed, some barbarously mutilated; in which all his servants and labourers were ordered and obliged to leave him; in which the most ordinary necessaries of life, and even medical comforts had to be procured from long distances, in which no one would attend the funeral of, or dig a grave for a member of a boycotted person's family, and in which his children have been forced to discontinue attendance at the national school of the district. Had we thought it necessary for the purpose of our inquiry, we could have taken a much larger amount of evidence to prove the existence of severe boycotting in very many districts. We did not, however, think it necessary to examine more than a sufficient number of witnesses to inform ourselves, and to illustrate the cruel severity."

(*The President.*) There is a great deal more than has been put.

(*Mr. Lockwood.*) I did not wish to interrupt the Attorney-General, but my memory is that the cross-examination of my learned friend Sir Charles Russell was directed to that portion of the proceedings of the Commission when this gentleman was giving evidence.

(*The Attorney-General.*) Pardon me.

(*Mr. Lockwood.*) I speak subject to any correction.

(*The President.*) What I was pointing out is that there is a great deal of this which clearly cannot found a question to the witness.

(*The Attorney-General.*) I thought right to read the whole of it, but I will found questions with regard to particular parts.

15,760. In the first place, with regard to holding of courts; did that occur in your district?—It did.

15,761. With regard to the intimidation—

(*Mr. Asquith.*) My Lord, I must really submit to your Lordship that this does not arise out of the cross-examination.

(*The President.*) No, I do not think it does. It does not naturally arise out of it. He was asked questions with regard to his evidence, but that does not lay the foundation for asking him all that this refers to.

(*The Attorney-General.*) I most humbly point this out to your Lordship that having called for the report and put the names of the commissioners, Sir Charles Russell stated he would call your Lordship's attention to paragraphs of the report at a later stage.

(*The President.*) He did, but it will be time enough when he does so.

(*The Attorney-General.*) Your Lordship will forgive me for a moment.

(*Mr. Justice A. L. Smith.*) He will have to make it evidence too if he can.

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

(*The Attorney-General.*) I agree with regard to particular matters. I submit, if that is so, while this witness is here, I am justified in putting the things to him. I was only reading it so that it should not be said I was leaving out part.

(*The President.*) I do not think you are entitled, merely because reference has at present been made to certain parts of the evidence, to take him through the whole of the report, and ask him whether he agrees with it in several particulars.

(*The Attorney-General.*) Very well. I will only put a few questions quite independent of that.

15,762. Will you tell me who was the person who held the courts in your district?

(*Mr. Asquith.*) I renew my objection.

(*The President.*) This is the same point over again. There has been no cross-examination about it.

(*The Attorney-General.*) It is fresh matter.

(*The President.*) There has been no cross-examination about it.

(*The Attorney-General.*) I am perfectly satisfied, my Lord. Of course it is exceedingly important with reference to a possible use of this report. It must not be said afterwards I had not invited this witness to give evidence respecting it. It may mean possibly calling this gentleman over from Ireland again, and I want to avoid it as far as I can.

(*The President.*) So far as I can look ahead, I do not see how the report of those gentlemen will be evidence. It seems rather that we have got to form opinions on the same subject.

(*The Attorney-General.*) Yes.

15,763. You were asked about your dealings with the tenants under the Land Act, and you mentioned a person named Barrett?—Yes.

15,764. You said you called in Mr. Barrett to value the estate, or value farms?—Yes.

15,765. Had Mr. Barrett any connexion with Lord Kenmare's estate at the time he valued those farms?—He was not; no; no connexion in the world to him.

15,766. Was he acting in business for himself?—Yes.

15,767. Where?—Bantry.

15,768. As an independent land agent?—Yes, 40 miles away.

15,769. And whatever his previous knowledge may have been of the estate he had nothing to do with the responsibility of the estate at that time?—No. When the tenant served an originating notice for my information, I get Barrett to value the farms, and I say to the tenants, "Here is Mr. Barrett's valuation, you can accept it if you like; if you do not, go before the Commission."

15,770. You were asked by Mr. Harrington about a Mr. Duggan. Was he a middleman?—His sister, Mrs. Godfrey, was the middleman.

15,771. The person about whom this question arose. Was it in respect of a property which was underlet?—Yes; well, there were three small tenants on it.

(*Mr. Lockwood.*) You had better not suggest.

15,772. (*The Attorney-General.*) What was the profit rental in that case; do you remember?—I think the tenants were paying something about 12*l.* a year.

15,773. Do you know what was the profit rental which was being received? Do you know whether any profit rental was being received by that Mr. Duggan?—Yes, but not in that neighbourhood. He held different farms under Lord Kenmare, and on other portions of the estate.

15,774. Was the particular property in respect of which the proceedings took place under-let or not?—It was for a fair rent.

15,775. Was it under-let? Where there under-lettings?—Yes, three small farms.

15,776. As I understand, this gentleman wanted a reduction?—Yes.

15,777. Was he able to pay his rent?—Certainly he was.

15,778. Was there any reason, either in his position or the amount of rent which was being charged him, that in your opinion necessitated any reduction at all?—Certainly not, and I would never have sued him, only he adopted the plan.

15,779. He adopted the plan of campaign?—Yes.

15,780. Will you just explain this. You were asked about some refusal of Lord Kenmare to pay poor rates in respect of evicted farms. Just tell my Lord exactly how it arose, and what it was?—I always paid poor rate on farms that were stocked, but farms where the tenants pulled down the boundary fences of the farm and fed it

22 Nov. 1888.]

MAURICE LEONARD.

[Continued.]

indiscriminately, I would not pay that, because I considered it was the rate collector's duty to distrain that farm for the rates.

15,781. That is to say, where you were not able to keep the evicted land in Lord Kenmare's stocking, but owing to the fences being pulled down, other peoples' cattle got in?—Yes, the neighbouring tenants' cattle. I considered it was the duty of the rate collector to distrain those.

15,782. Has the poor-rate collector the right of distraining in order to get the rate?—Yes.

15,783. There is only one matter I forgot to ask you in chief; but I must put this question in consequence of Sir Charles Russell's question. You mentioned a reduction given in the beginning of 1880, in respect of the 1879 rent?—Yes.

15,784. Did you give reductions in 1885 and 1886?—Yes.

15,785. How much?—20 per cent. in 1885, 25 per cent. in 1886, 1887, and 1888.

15,786. You were asked about some resolutions passed at some places by some Catholic clergymen, I think. In the first place, I want to ask you, as far as you know, had those resolutions any reference to the Kenmare estate?—Not a bit in the world. They were 40 miles away, 26 miles, and 17 miles.

15,787. Was there anything in the Kenmare estate to justify such resolutions?—Certainly not. All that could be done was done for the tenants at the time.

Inspector DAVID GEORGE HUGGINS re-called. Further examined by Sir H. JAMES.

15,788. You are, I think we have heard before, a district inspector in the Irish Constabulary?—Yes.

15,789. Were you transferred to Castleisland on the 4th of December 1880?—Yes, I arrived there on that day.

15,790. Remaining there till the 15th of July 1886?—Yes.

15,791. I will not ask you as to the previous state of the district. That will come from others. But, as a fact, was your attention called—I do not want the details of it—to the publication of speeches made on the 10th of October 1880?—Yes, I saw it reported in the paper.

15,792. At what place, according to your knowledge, was that meeting held?—Castleisland.

(*Sir H. James.*) It may be convenient to say (I shall not get it from this witness, but it will be proved) it was a speech at which Mr. Biggar, amongst others, was present. It is one which is before your Lordship, on the 10th of October 1880, at Castleisland.

(*The President.*) You say we have it before us.

(*Sir H. James.*) It is amongst the 80 speeches of which copies have been delivered.

(*Mr. Justice A. L. Smith.*) They have not been delivered yet?

(*Sir H. James.*) Yes, my lord.

(*The President.*) They have not been delivered to us.

(*Sir H. James.*) They were placed with your Lordships' secretary last Saturday week. The secretary has them.

(*The President.*) I was only saying I had not seen them.

(*Sir H. James.*) There were six copies delivered according to your Lordship's directions of all the 1880 speeches.

(*The Secretary.*) Yes.

15,793. (*Sir H. James.*) When you came to Castleisland did you find that there was a branch of the Land League established there?—Yes.

15,794. That was, you have told us, on the 4th of December 1880. Who was the secretary of that League?—Timothy Horan.

15,795. As you have mentioned his name, I will ask you this question. Did you at any time see a letter, purporting to come from Horan, addressed to Mr. Herbert?—Yes, Arthur Edward Herbert, that was subsequently murdered.

15,796. The letter is in the hands, I believe, of district inspector Davis?—Yes,

(*Sir H. James.*) I will give the evidence through Davis. I only want to earmark it a little further.

15,797. As soon as you arrived in the district of Castleisland, first, generally describe to me what state you found that district in?—It was in a very disturbed state. There were outrages nearly every night being committed.

15,798. Were meetings of the Land League held from time to time?—Yes.

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

15,799. How often? What days of the week?—On Sundays.

15,800. Where were the meetings held?—They were held in a room.

15,801. In somebody's house?—Yes, it was rented by the League, I believe.

15,802. Did you see the people going in and out?—Yes.

15,803. Were those meetings largely attended?—They were, and addressed by several members from the windows of the room to people on the street frequently.

15,804. At the station, was there a book kept called the outrage book?—Yes.

15,805. That book is here, I believe?—Yes.

15,806. Who made the entries in that book?—The district inspector, or his clerk, or head constable.

15,807. Who would that be at that time?—Mr. Davis made some of the entries. I made some myself, and some were entered by his clerk, head constable O'Donnell.

15,808. You were district inspector as well as Davis?—Not then.

15,809. What were you then?—Head constable.

15,810. You say you made some entries. The district inspector made some, and the clerk some?—Yes.

15,811. Had you access at all times to that book?—Yes.

15,812. Did you from time to time look at it and its contents?—I did.

15,813. What was your duty as to receiving reports from persons complaining or making inquiry as to outrages?—When any complaint of an outrage reached the barrack through any source, the district inspector or head constable, and perhaps both, sometimes visited the scene at once and inquired into the matter.

15,814. Would a constable or policeman come to you and make a statement to you, before you, yourself, made any entry in the book?—The statement might be, as it often was, made to myself by the person reporting the outrage.

15,815. If a constable reported to you an outrage, I suppose you then would enter it in the book?—Yes, on inquiring into the matter.

15,816. Did you make, yourself, in very many of these instances, personal inquiry before you made the entry in the book?—Yes.

15,817. I think you have a copy, have you not?—I have a list of the outrages taken from the book.

(*Sir H. James.*) The book is here. I will only come to the time after you went, if you please. I will take it as shortly as I can, with my Lord's permission, but I must take some of it. What is your report as to houses entered on the 5th December?

(*Mr. Reid.*) I should like to see this book.

(*Sir H. James.*) Yes, my friend shall see it. I said the book was here. It is a book with other entries in, but there is not the least objection as far as I can see. My friend shall see the book.

15,818. On the 5th December 1880, what occurred on that day?—There were several houses visited and arms taken from them.

15,819. I think 14. I do not know whether that is correct?—Yes, that is correct.

15,820. It is 5th December?—There are 13.

15,821. On the 10th December 1880 have you an entry as to Michael Casey?—Yes.

15,822. What is that?—Forcible possession. I inquired into that case myself. It was before Mr. Davis came to the district. He stated to me that he had been called out of his bed, taken out of his house, and tied to a car, and his whiskers cut off, and a woman named Nolan——

(*The President.*) We had this on a former occasion, and I think it is actually in print.

(*Sir H. James.*) I am sorry we have no print, for this reason: the different witnesses give explanations of these matters. They are not all from one witness.

15,823. (*Mr. Reid.*) My friend, Sir Henry James, as far as we are concerned, is quite at liberty to read out straight ahead, and let the witness correct him if there is any mistake made. It seems to me a much shorter method?—Up to the time I left there were 580 outrages reported.

(*Sir H. James.*) I will gladly accept my friend's suggestion. I will endeavour to read nothing but what is strictly accurate.

15,824. Follow me, if you please. Is this correct: "10th December 1880. Michael Casey visited by a party, who tied him to a cart, cut off his whiskers, and adminis-

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

“tered an oath that he should leave the place he had taken and give it to Mrs. Nolan, “the former tenant” ?—Yes.

15,825. I want to ask you particularly about one thing. At Castleisland was there a Roman Catholic clergyman named Archdeacon O’Connell ?—Yes, there was ; he is dead.

15,826. To your knowledge, and in your presence, has he expressed himself strongly against the Land League ?—I did not hear him say so.

(*Mr. Reid.*) I will take your Lordship’s opinion upon that. Whether a deceased clergyman has expressed himself strongly against the Land League or not, surely, is an irrelevant topic.

15,827. (*The President.*) I do not know. First of all did you say you had or had not ?—No, my Lord, I had not much intercourse with him at all.

(*Sir H. James.*) My friend misunderstood me. It is not an expression of opinion ; it is a fact known to the public.

(*The President*) I thought I caught from him that his answer was no.

15,828. (*Sir H. James.*) Now, did you take these notices down and see those notices ?—I saw one of those notices posted on the chapel gates at Castleisland on the 18th December, “Any person who pays Archdeacon O’Connell, the Tory, more than “half the usual Christmas offerings, will be boycotted.”

15,829. It seems to create laughter. He was the clergyman at the chapel at Castleisland ?—He was.

15,830. As my friend Mr. Reid says, he is admitted to be an opponent of the Land League.

(*Mr. R. T. Reid.*) I did not say it was admitted. On the contrary, I said it was proved he was an opponent.

15,831. (*Sir H. James.*) “Notice. Any person who pays Archdeacon O’Connell, the “Tory, more than half the usual Christmas offerings, will be boycotted.” Is there a usual Christmas offering at Castleisland ?—Yes, there is. I know Archdeacon O’Connell did not attend the Land League meetings.

15,832. I will take that fact. Having seen, as you say, the people going in and out to the Land League meetings, did you ever see Archdeacon O’Connell ?—No.

15,833. Now let us proceed. On the 20th of December, I believe a police patrol was attacked and beaten ?—Yes. Two of the men came back and reported that they were attacked.

15,834. I am taking your report which you entered in the book ?—Yes.

15,835. On the 31st December 1880, two houses, Timothy Keane’s and Edward Brown’s, of Mullen, were visited by an armed party at night ?—Yes, and a gun taken from Keane’s house.

15,836. I believe on the 4th of January, 13 houses were visited ?—Yes, but I was away for a few days then. I inquired subsequently into the outrages.

15,837. You inquired subsequently into them ?—Yes.

15,838. I believe on the 4th of January, 13 houses were entered by parties, shots were fired, and guns taken away ?—And illegal oaths administered about rent.

15,839. On the 30th of January 1881, the house of James Black, gamekeeper to Mr. Drummond, was entered, and Black beaten, shots fired, and a gun taken away ?—Yes, Black was an old man 70 years of age.

15,840. On the 13th February 1881, the house of William Saunders, at a place called Carker, was visited by an armed and disguised party, who demanded admittance in the name of the Land League. Is that so reported ?—Yes.

15,841. Being admitted, they fired a shot, took some money away, a gold watch, and a gun ?—Yes.

15,842. Is that the book you have been asked about (*producing a book*) ?—Yes, that is the book.

15,843. To your knowledge, was the gun which was taken away found in the house of a man named Walsh ?—No, not in his house. It was found in a cock of hay convenient to Walsh’s house.

15,844. To your knowledge, was he a member of the Land League ?—I could not say that he was.

15,845. I believe you afterwards inquired into an attack which was made upon the barracks on the 17th of March ?—Yes.

15,846. On the 7th April, were the houses of Powell and Quinlan visited by an armed and disguised party, who demanded and took away a gun ?—Yes.

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

15,847. According to your report, did Powell receive any assurance at that time?—Yes, he stated that one of the parties told him that he would not suffer during the agitation.

15,848. During what agitation?—The Land League.

15,849. Were those arms, to your knowledge, found near the place where Mr. Herbert was murdered?—Yes.

15,850. (*Mr. Lockwood.*) I understand it is material that I should ask my friend not to make suggestions at this time. I understand this witness is repeating something that was reported to him; that I understood him to say. Then I understood him to say that a portion of the report was that a person who was outraged was told that certain things would not occur during the agitation. (*To the witness.*) I understood those were the words that were reported to you?—Yes, those are the words.

(*Mr. Lockwood.*) Then I must ask my friend not to interpret that.

(*Sir H. James.*) I did not. My question was, what agitation?

(*Mr. R. T. Reid.*) I was going to say that with regard to this most compendious and useful method of proving outrages, the fact that outrages have taken place we are very glad to see proved in this way, but if there are any expressions connected with the Land League or the incriminated persons used, I think we ought to have them proved first hand.

(*Mr. Justice A. L. Smith.*) We have gone a great deal further than that already. There was a witness after Allen Bell, I have forgotten his name now, a district inspector, who came and gave the same thing. We had the same controversy with Sir Charles Russell, and inasmuch as Sir Charles Russell was going to put in Blue Books, and inasmuch as he was going to read them, he said he would let the whole thing go in.

(*Mr. R. T. Reid.*) I should at once withdraw if I thought that this was anything not in accordance with what Sir Charles Russell has admitted. What I mean is that there are two distinct things, the proof of the outrage having taken place, which we assent to be proved by referring to persons in authority.

(*Mr. Justice A. L. Smith.*) The last time the controversy arose there was a heading of "motive"; the same controversy arose, and afterwards Sir Charles Russell said he would let it go in *quantum valeat*.

(*Mr. R. T. Reid.*) I recollect the occurrence. I have been over the notes, of course, very carefully since. If your Lordships understood it in that sense, I shall not say any more.

(*Mr. Lockwood.*) My objection only went to this extent. I was going to ask my friend not to call upon the witness to interpret anything that was said, but merely to say what was the statement.

(*The Witness.*) There was no agitation then but the Land League.

15,851. (*Sir H. James.*) My friend, Mr. Lockwood, is quite right. I will put this: what was the report as to the protection this man had received?—During the agitation, and there was no agitation then but the Land League.

15,852. (*The President.*) I was not attending to this at the moment. Is that what was written down "during the agitation"?—No.

15,853. What is written out of which this grows?—This is the result of my inquiry.

15,854. I know, but I am now dealing with the particular thing. What are the words written which has given rise to this discussion.

15,855. (*Sir H. James.*) What were the names of the houses?—Powell and Quinlan.

15,856. (*Sir H. James.*) My Lords, all that is written here is "the 7th April 1881. "Robbery of arms. James Powell, 43, farmer; Maurice Quinlan, 46, farmer. District "Castleisland, Farranfore. Then no other heading except Mill Street, in each case, "warrants, and so forth. Observations stating result of trial, or any other particulars." Then there is nothing at all.

15,857. What caused you to say this. Did you make inquiry after the report to you of these outrages?—Yes, I made inquiry of Powell, and he stated this to me.

15,858. You made inquiry of this man?—Of James Powell.

15,859. And you are sure he stated this to you?—Yes.

15,860. Are you speaking from memory?—I am speaking from memory. I took a note of it all the time, but I have not the note now.

22 Nov. 1888]

DAVID GEORGE HUGGINS.

[Continued.]

(*Mr. Lockwood.*) Then it would occur to me that this further inquiry upon which the witness has spoken would appear rather to go beyond the former admission that was made by my friend Sir Charles Russell.

(*The President.*) I think so too. I was making the same observation. On that occasion we had something in writing, namely, that which was put under the heading "motives," and that was, with the consent of Sir Charles Russell, admitted in evidence.

(*Mr. Justice A. L. Smith.*) Do you remember the name of the witness.

(*Mr. Atkinson.*) James Murphy.

(*The President.*) This is something quite fresh ; we have the report, and you seek to supplement it by giving us the result of that inquiry at that time.

(*Sir H. James.*) Will your Lordships forgive me, if your Lordships will look at the book, it does not seem to be in the shape of a report at all ; it is a record of a fact, resulting from a report. This is the office book (*same was handed to the Court*), and it is an entry of the outrages. It does not appear to me to be a transcript of what the man said.

(*Mr. Lockwood.*) At all events our admission does not go to that.

(*Sir H. James.*) No, I do not care about it. It goes so much to the weight of evidence I will keep to the very main facts.

(*The President.*) All I wish to say now is, that I think Sir Charles Russell's admission would only go to making all that was in that book evidence.

(*Sir H. James.*) I think so. I will discuss the matter if it arises, how far any particular report may or may not be evidence, but I hope it will not be necessary.

(*The witness.*) There is nothing in that book, you know, except the list of the outrages ; no report at all about it.

15,861. Have you another book ?—There is another book kept.

15,862. Where is that, please ?—Oh, it is not here.

15,863. Where is it ?—I believe it is in Castleisland, it is not here.

15,864. You have just told me something about a gun being taken one day from this place ?—Yes.

15,865. Had you any knowledge of that gun ever afterwards being found yourself ?—Yes, I saw it with Mr. Davis.

15,866. Where was it ?—He pointed it out to me where he found it. It was found near the scene where Mr. Herbert was murdered. It was Quinlan's gun.

15,867. On the 7th April 1881 the houses of three other farmers were visited ; have you got that ?—Yes, the same night.

15,868. On the 26th April 1881 was the house of Michael Dennehy entered ?—Yes.

15,869. Was he bailiff to Mr. Herbert ?—He was ; that is Mr. Herbert of Muckcross.

15,870. That is Mr. Henry Herbert of Muckcross ?—Yes.

15,871. Entered at night by an armed party ?—Yes.

15,872. Were his ears cut off, or a part of his ears ?—Yes ; his wife reported the matter to me the next day, bringing in the parts of his ears which were cut off into the barracks. I visited the place at once.

15,873. I believe he was a bailiff in the habit of serving processes ?—Yes.

15,874. I do not know whether you spoke to it ; did you see Dennehy about any warning he had received ?—I saw Dennehy when I went out and enquired into the matter, and he told me that he had been—

(*Mr. R. T. Reid.*) I think this is going beyond the admission.

(*Sir H. James.*) This raises the difficulty. My learned friend, I think, most rightly has taken the course of trying to limit this inquiry, and he has said if you can avoid it you shall not go into these cases over and over again. We are anxious to effect that view, but on the other hand when we try to deal with it generally, my learned friend makes these objections ; I am not objecting to his making them in a technical point of view.

(*The President.*) That is so, but still I think we have limited that with tolerable clearness before. If this man came and made some complaint of how his ears had been cut off, that would be legitimate, and I do not suppose any objection would be taken about it. The report was made by the wife, but if it goes beyond that I do not think it ought to be given. Suppose he had said a particular individual did it, I do not think his evidence ought to be taken upon that.

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(*Sir H. James.*) Will your Lordships allow me to put it in this way. The witness was in the execution of his duty making inquiries. He was asked to give evidence (if your Lordships say it is evidence) as to the result of those inquiries, then if that is not, as I hope your Lordship will see that we are compelled to call these witnesses.

(*The President.*) Yes, so you would be; but the question is, how far you wish to press this. Unfortunately, in all these objections to evidence, one does not know what is sought to be kept out, or what is wanted to be put in. The general principle is this, that the general report made to the police may be given in evidence, but we do not think that that admits all the details that may have been stated, as evidence of the facts.

(*Sir H. James.*) Of course there is a little difficulty in defining the meaning of the words "general reports."

(*Mr. Justice A. L. Smith.*) Public matter.

(*Sir H. James.*) If your Lordships feel that within that rule I cannot prove what this man said, when the witness in the performance of his duty goes to inquire what the nature of the case is, I am afraid we may, however reluctantly, be driven into particular proof.

(*Mr. Reid.*) With deference to my learned friend, I do not think so; we raise no objection at all. The constables are officials, and can prove reports made to them as *prima facie* evidence, rebuttable of course, of outrages having been committed, nay, further than that, there appears to be no motive assigned at the time. We have not objected to proof being given and entered of that motive, but this goes somewhat further, because my learned friend is asking the witness whether he spoke to the person who had suffered the outrage, and whether that person stated that upon some previous occasion some previous notice had been given, and my learned friend asked that that should be read as evidence of the notice having been previously given, as I understand it. I do think that is going quite beyond the rules of evidence, and I should have thought that your Lordships would object to it as not being reliable evidence. With regard to my observations a day or two ago, with respect to abbreviating the inquiry, we really wish to abbreviate the inquiry, but if anything is to be proved, as I say, connecting the outrages with the Land League, or with the incriminated persons, we desire that that should be fully proved, and that seems to be the sort of point to be proved in this instance.

(*The President.*) What was the question that you put?

(*Sir H. James.*) It was partially a question, and partially an answer to an objection. First, I asked, without objection, whether he, in the course of his duty, as soon as the matter was reported to him by Dennehy's wife, visited Dennehy at his house. Then I proceeded first to ask generally, did he make a statement to you, and the answer was yes, and I was anxious to have that statement.

(*Mr. Justice A. L. Smith.*) "Did he complain to you, or not, about this outrage?" that Mr. Reid would not object to.

(*Sir H. James.*) If he complained simply about an outrage.

(*Mr. Justice A. L. Smith.*) No, he complained about having his ears cut off.

(*Sir H. James.*) I do wish to carry it further, that in answer to that inquiry made by this officer the man stated to him: I had my ears cut off, and they were cut off in consequence of so-and-so.

(*The President.*) I go with you entirely except, "In consequence of so-and-so."

(*Sir H. James.*) That, of course, is the point.

(*The President.*) That is the point. I think you are entitled to get, "My ears were cut off."

(*Sir H. James.*) Of course, the cutting off the ears might be done in the course of a surgical operation.

(*The President.*) Of course, you may go further than that.

(*Mr. Justice A. L. Smith.*) Suppose he had gone further, and said, "My ears were cut off, and cut off by A.B.," is that evidence against A.B.?

(*Sir H. James.*) If your Lordship asks me whether it would be evidence on an indictment for murder, I say no, but I think, after what my learned friends have done that we ought to be allowed to give this evidence. Of course I am not going to sustain this; directly your Lordship intimates the extent your Lordship will go, I

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

will, of course, accept your Lordship's ruling. If your Lordship thinks I cannot ask this, I will pass on.

(*The President.*) I do not think so; if you find it necessary to go into the details they must be proved unfortunately by those who can speak to them.

(*The Witness.*) He cannot, he is dead.

(*Mr. Reid.*) That shows there has been no time wasted in discussing this.

(*Sir H. James.*) There are many cases will raise the same principle.

15,875. On the 14th May, Edward Boyle of Cordall, bailiff and gamekeeper to Lord Ventry, reported a threatening notice?—Yes, Edward Boyle.

15,876. On the 19th May, Dennis Neligan, the bailiff and process server, of Castle-island, received a threatening notice?—Yes.

15,877. On the 3rd June 1881 was a Land League meeting held at a place called Farranfore?—Yes.

15,878. On the same night—on the 3rd June 1881—the houses of three farmers were visited at night by an armed and disguised party?—Yes.

15,879. It is here: "Who made them swear not to pay rent"—that is the complaint?—Yes.

(*The President.*) That is an illustration of what may be done.

(*Mr. Reid.*) It is not entered here.

15,880. (*Sir H. James.*) Where did you get this from: "Who made them swear not to pay rent"?—From what they stated to me; I think you will see "an unlawful oath" in that book.

(*Mr. Reid.*) Yes, swearing of some kind.

15,881. (*Sir H. James.*) What is the name of the place?—Meenleirim.

15,882. How far is that from Farranfore?—I suppose about 12 miles from Farranfore.

15,883. On the 29th of May had a Land League meeting been called at Brosna?—Yes.

15,884. How far is that from Meenleirim?—That, I suppose, is about seven or eight miles.

15,885. On the 26th of June 1881 was the house of Hugh Brosnan, of Kilcusna, entered by an armed and disguised party?—Yes, he reported so.

15,886. On the 29th of June was the house of Michael and John McAuliffe broken open at night by an armed party?—Yes.

15,887. I believe Ellen McAuliffe was the wife of one of them?—A sister; they were brother and sister.

15,888. Michael and Ellen were beaten?—Yes.

15,889. Were shots fired into the house?—John was wounded in the arm; his arm had to be amputated, and I saw in the "Kerry Sentinel" a resolution denouncing the action. That was in April, I think, before this outrage.

15,890. You were mentioning some of these people?—Denouncing McAuliffes.

15,891. Do not use the word "denouncing"; was there some mention of McCauliffes?—Yes, I think the word "denounced."

15,892. Never mind. We will produce the document. Do not give evidence of it. Was Michael McAuliffe a process server?—Yes.

15,893. A process server and bailiff?—Yes.

15,894. Was he bailiff for any particular person?—He used to do generally for Mr. Herbert, I think, and Mr. Meredith.

15,895. On the 5th of July was a Land League meeting held at Knockabowl?—Yes.

15,896. Was that in the Castleisland district?—Yes.

15,897. Was the Rev. Mr. McGillycuddy the speaker?—He was one of them.

15,898. Were you present?—Yes.

15,899. Did you hear the speeches?—I did.

15,900. Did you take any note, or do you speak from memory of what you heard?—I speak from memory.

15,901. Speaking from your memory only, tell us what you do recollect; what did you hear Mr. McGillycuddy say, if anything, about Mr. Herbert, on the 5th of July 1881?—He spoke about Mr. Herbert, and pointed to the ruins of a house down a little from where the Land League meeting was held, from which a man named

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

Donohoe was evicted, and he said, "If the walls of that old house could speak, they would call out 'Oh! Herbert.'"

15,902. Was there anything said about a redshank, or anything of that kind?—Yes; it was also stated that he came there a short time before to serve writs, as I know he did, for I accompanied him.

15,903. And what did he say?—He said if he came to the district, disturbing the district again, that he would be made fly like a redshank, or works to that effect.

15,904. My friend, Mr. Ronan, does not know, what is a redshank?—A bird.

15,905. I believe there were some outrages in August and September, that Mr. Davis knows more about?—Yes.

(*Sir H. James.*) My Lords, this is what I believe the witness referred to—it is in the "Kerry Sentinel," of April 26th, 1881. This was Mr. John McAuliffe who was wounded.

"Castleisland Land League."

"A special meeting of that branch of the Irish National Land League was held on Sunday, in their rooms, to consider the attack made by some bailiff, bum-bailiff, or law messenger on their late respected president, the Rev. A. Murphy, C.C., the particulars of which have appeared in the "Sentinel." The chair was taken by the Rev. G. D. McGillicuddy, C.C., president. Amongst those present were Messrs. John Roche, Jeremiah Roche, H. W. Knight, the Rev. T. O'Callagan, C.C., T. Horan, T. Moore, J. K. O'Connell, Mr. Murphy, Kerry, O'Connor, D. T. Coffee, and J. T. Riordan. After the usual business of the meeting had been gone into, the following resolution was passed unanimously, 'Resolved, that we condemn, in the strongest terms, the conduct of those who by affidavits trumped up against the Rev. A. Murphy, C.C., a charge which has been proved in open Court to be false, namely, that Father Murphy tried to bribe McAuliffe, the process server not to serve ejectments.' I understand the matter will be discussed at a future meeting of the League with a view of passing a stronger resolution condemning the conduct of the bailiff, bum-bailiff, and law messenger."

15,906. Is that the paragraph you refer to?—Yes, the first time.

15,907. On the 11th September 1881, was a Land League meeting held?—At Curragh—that is convenient to M'Callow's house.

15,908. Speeches were made there, amongst others by a clergyman—the Rev. A. Murphy?—Arthur Murphy.

15,909. Was Mr. Edward Harrington, the gentleman who is now member for Kerry, there?—Yes, he was there too.

15,910. Did you hear Mr. Murphy speak?—Yes, I did.

15,911. Did you hear him say anything about men going to pay their rent singly?—Yes.

15,912. Very carefully, tell me what you heard him say?—He advised the tenants against going singly to the landlord, and said that they should go in a body; and he stated that he heard that some of them had not done so, but had gone by the back stairs, and then he turned round and asked, was there no Good Night boys in the locality.

(*The President.*) Who was this?

(*Sir H. James.*) Alfred Arthur Murphy, at the meeting 11th September.

(*Mr. Lockwood.*) 1881?

(*Sir H. James.*) Yes, 1881. We have read in the "Kerry Sentinel"—

(*The President.*) The question is, who said it?

15,913. (*Sir H. James.*) Mr. Murphy said it, my Lord, in this paper I have just read; you will recollect the Rev. A. Murphy is described as "their late respected president" at the meeting of the Land League. I do not wish to repeat those words. You have used the term, I think, "Night Boys"?—Yes.

15,914. Is that a term known in the district?—Yes.

15,915. Within your knowledge to whom does that term apply?—The people that visited the houses at night were as often called "Night Boys" as moonlighters.

15,916. Was there a person of the name of Timothy O'Connor Brosnan?—Yes, Timothy O'Connor Brosnan was there.

22 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

15,917. Did he refer to two gentlemen in the neighbourhood?—Yes.

15,918. Tell me who they were, and what was said by Brosnan?—He said: He complained about the poorness of the people of the district, and he said it was no wonder they were so under the sway of a skiver'em Herbert and an evict'em Meredith.

15,919. (*Sir H. James.*) "Skiver'em" was the name Mr. Herbert had?—Mr. Herbert was talking one day at Castleisland Petty Sessions, and he spoke about some attack on the process servers at Brosna, and he said the police had the right to "skiver'em."

15,920. And did that name attach to Mr. Herbert afterwards?—Yes. And evict'em; that is evict them to Mr. Meredith.

(*Mr. Lockwood.*) Is it, Mr. Herbert had said, "skewer" them, and another man said, "murder them."

15,921. (*Sir H. James.*) No, no. They were two names; one applying to Mr. Herbert, and one to Mr. Meredith?—Yes, Mr. Meredith was the landlord.

The Court adjourned until to-morrow morning.

M. Davitt

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT No. 1,
Friday, [†]23rd [†]November 1888.

Inspector DAVID GEORGE HUGGINS re-called.

Further examined by Sir H. JAMES.

15,922. You have got your list. I think our last date yesterday was that of the 11th September 1881, with the names of Mr. Herbert and Mr. Meredith. The 3rd October is the next date. After that meeting of the 11th September did Mr. Meredith, the gentleman you have spoken of as being called “Eviction Meredith,” obtain police protection?—He did.

15,923. Constant police protection?—Yes.

15,924. The next, I think, is the 3rd October 1881. James Austin received a notice, threatening him with evil consequences if he did not join the Land League?—Yes.

15,925. On the 16th October 1881 seven houses were visited by an armed disguised party, who swore the inmates not to pay rent, and fired shots into the house?—Yes; in that case there was a man shot by the police—the police patrol.

15,926. Was that some of the same party that visited the house?—Oh, no, but supposed to be one of the party; that was on a moonlight raid.

15,927. When was he shot?—He was called on to stand, and he did not, and the police fired at him.

15,928. The 16th October, I believe, there was a horse mutilated, the property of Jeremiah Mahony?—Yes.

15,929. Do you know whether Mahony had paid his rent?—I do not know, but that was the motive assigned for the outrage, that he had paid his rent.

15,930. Was there also a notice left upon him?—Yes, threatening his daughter.

15,931. For what?—Boycotting her school—she was a schoolmistress.

15,932. She was a schoolmistress in the locality?—Yes.

15,933. Through November 1881, I believe, there were five persons' houses visited by an armed party?—Yes.

15,934. Any warning or notice?—Yes, they were noticed not to pay rent.

15,935. On the 10th November 1881, any threatening notice to Walter Costelloe?—Yes.

15,936. What was that?—Walter Costelloe had a mason building a house, and part of the house was knocked down, and the mason who was building it was threatened; he was threatened for employing the mason because he worked for Mr. Herbert.

15,937. 12th November 1881, the house of Thomas Galvin, of Doonane, entered at night?—Yes, Thomas Galvin, of Doonane.

15,938. What happened there?

(*Sir C. Russell.*) He cannot tell that.

(*The Witness.*) I inquired into the outrage.

15,939. (*Sir H. James.*) Tell us what it was?—Galvin said a party of men entered his house and asked had he paid his rent, and he said he had.

(*Sir C. Russell.*) Here is a point, my Lord, we must have tested. We do not object, and we do not recede, from anything that we have previously said. We have no objection to this list of outrages being given subject to further examination; but we do object

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

to its being taken in question and answer of this witness; because it is something he himself knew. The regular course on the part of my friend would be to take this proof and read it out as a catalogue of reported crime.

(*The President.*) First of all I should like to know (for I have not got it) what is written there.

(*Sir C. Russell.*) I should have thought that is what my friend ought to have seen.

(*Sir H. James.*) I have seen it. It is quite admitted, there are two books kept. Last night was established that in this book it may be taken that only exceptionally the motive is entered in the book. We promised to obtain the other book which has been telegraphed for, and which the witness says he copied. It can be here on Tuesday. If my friend says he wishes the witness not to be asked until he sees the other book, I submit I am entitled to ask him questions as to entries in this book.

(*Sir C. Russell.*) I do not wish to object unnecessarily if all the books were here. What I am objecting to is this gentleman being asked to make a statement of supposed facts not within his own knowledge, and which I say is only a reported statement of facts.

(*Sir H. James.*) I think his admission was before that the writing in the book was a portion of the reports.

(*Sir C. Russell.*) Quite true.

(*The President.*) What occurred in your absence was this, that the witness said rather to my surprise—I do not know whether it took other persons by surprise—that it was not the entry in that book, but that he had another book, I thought we had that book, and assume for a moment (for the purpose of argument) that it is reported in the book, what was said at the time, then I think that ought to be admitted.

(*Sir C. Russell.*) My Lord, I do not object to that. I have not receded from anything I said before; but what I am objecting to is my friend saying on the night of so and so this took place, and then the witness proceeding to state matters as if they were facts within his own knowledge.

(*Sir H. James.*) I do not think that was so.

(*Sir C. Russell.*) I assure you you did. The point is, my friend was proceeding to obtain from the witness certain statements supposed to have been made.

(*Sir H. James.*) That is part of the report, and it is all the same.

(*The President.*) I must put it upon an intelligible principle. I have already taken occasion to say that I think Sir C. Russell was taking a course which was calculated to save time, and which was done in a spirit of conciliation. I think that the principle that we ought to lay down is this: that the report made to the police at the time of the facts which occurred ought to be admitted for what it is worth. Sir C. Russell has shown by his cross-examination on a former occasion that the report was liable to be impeached on various grounds; and suggesting that other motives than those connected with the Land League were in action. Now, I think, that would be found to be a definite principle upon which to act, the reports made to the policeman at the time of the facts occurring, that is all. I took exception to the words “in consequence.” I do not think that would be admissible, that he came to the conclusion that it was “in consequence of something.” That would be taking upon himself to investigate an inquiry which we have, unfortunately, to investigate for ourselves.

(*Mr. Reid.*) May I make this suggestion? This book contains part of the matter which is to be admitted. It appears there is another book containing other matter, which also is to be admitted, I would submit that as my friend Sir H. James asks this witness on the assumption that he is going to establish something from the other books. We may have what we get the other book to govern all that has been done and have to unravel the whole thing again. Would it not be better to wait until the other book is here, and simply to say what there is in this book; and then when the other book comes read what is in that?

(*Sir H. James.*) My friend has stated that which is practicable and not unreasonable, that if I took this book we should have to go over the same ground again only producing different results, and I will see if I can adapt my questions to suit the objection of my learned friend.

(*Mr. Justice A. L. Smith.*) Would it not be as well to wait until the book comes?

(*Sir H. James.*) Yes, my Lord. This is the county of Kerry, and as this came out yesterday at 3 o'clock there was no means of our getting it here by this morning.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

We telegraphed for it, and it will be here on Tuesday morning. Now, I will take some facts, and if necessary we will supplement them afterwards.

15,940. 12th November 1881, did you see Thomas Galvin yourself?—I did.

15,941. How long after this outrage of the 12th November?—Three or four hours; immediately after I heard it I proceeded there.

15,942. You saw Thomas Galvin?—Yes.

15,943. Was he wounded?—Yes, he was wounded in the thigh.

15,944. By a shot wound?—Yes.

15,945. This wound you are speaking of, is it of a rifle ball or scattered shot?—Oh, it was by a bullet.

15,946. On the 13th November 1881 was the military sentry at Winville Barracks attacked?—It was so reported. I visited the place as soon as I found it was so, and that he had fired on the parties.

15,947. On the 15th November 1881 three farmers received threatening letters?—Yes.

(*Sir C. Russell.*) The book I have before me says the 13th.

(*Sir H. James.*) Is there nothing on the 15th?

(*Sir C. Russell.*) There are two entries of the 13th.

15,948. (*Sir H. James.*) This is the 15th; now on the 18th November the wall of the land of Thade Horan?—That is Timothy Horan.

15,949. Timothy Horan was knocked down, what is Thade?—Thade is the short name for Timothy.

15,950. Do you know whether he had paid his rent or not?—No, but that was not the motive; it was because he was friendly with Mr. Hussey.

15,951. (*Sir C. Russell.*) Will you ask him if that Timothy Horan is secretary of the League?—No, that is not the same man. This man lives near Curran.

15,952. (*Sir H. James.*) Between the 28th and the 29th November the particulars of the occurrence were reported to Mr. Davis?—They were inquired into by Mr. Davis.

15,953. On the 29th November 1881 did you see a notice threatening certain persons?—I did.

15,954. Where was that posted?—On the school, at a place called Clune Clough.

15,955. Did you leave it there?—No.

15,956. Have you got it?—It was partly torn down, but Mrs. O'Brien, the schoolmistress, took a copy of it.

15,957. It was partly torn down you say?—Yes.

15,958. What was it?—It was threatening those people to be boycotted if they sent their children to Mrs. O'Brien's school.

15,959. Were there any names mentioned?—Yes.

15,960. Who were they?—Patrick Shea, Daniel Brosnan, and Edward Sheehan.

15,961. Were they farmers in the neighbourhood?—Yes.

15,962. Was the school boycotted?—Yes, it was.

15,963. What school was it?—It was Clune Clough National School.

15,964. Who was the schoolmistress?—The schoolmistress was Mrs. O'Brien, and the assistant teacher was Annie Griffin. Annie Griffin's father had taken a farm from which a man had been evicted; father-in-law, I think it was.

15,965. On the 30th November 1881 were the houses of nine farmers visited?—Yes.

15,966. Any oath administered according to the report?—Yes.

15,967. What was it?—Not to pay rent.

15,968. 3rd December 1881 —

(*Sir C. Russell.*) Just let me call attention to that. The entry is not taking an oath not to pay rent, but the entry in the book is "administering unlawful oaths and intimidation."

15,969. (*Sir H. James.*) I assume the general term of the report includes it; does the term "unlawful oath" include the oath not to pay rent?—Yes.

15,970. On the 3rd December 1881 13 farmers visited?—Yes.

15,971. At night, and the same oath administered?—Yes.

15,972. 7th December 1881, Michael Flynn, of Cordal, fired at in his own house?—Michael Flynn, of Cordal.

15,973. Was he wounded in the leg?—He was, and his leg had afterwards to be amputated. He was a man of about 60 years of age.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

15,974. An old man?—Yes.

15,975. Did you know anything that he had done?—It was reported that he had paid his rent.

(*Sir C. Russell.*) Here, again, it is offending against the rule.

(*Sir H. James.*) Not at all.

15,976. On the 7th December 1881?—Yes, the same night.

15,977. Was the caretaker of Mr. Raymond, James Kearney, visited?—Yes, by an armed disguised party.

15,978. I think that man escaped?—He searched his house for a gun.

(*Sir C. Russell.*) Really you must not —

15,979. (*Sir H. James.*) He is giving the report?—The report is not in that book at all. There is nothing at all only the nature of the outrage in that book.

(*Sir H. James.*) We are not taking that.

(*Mr. Reid.*) Why not wait until you get the book.

15,980. (*Sir H. James.*) Now, take the 10th to the 15th December 1881, were threatening letters sent to five persons?—Yes.

15,981. Have you got that report?—Yes.

15,982. I will not give you the contents of the letters. On the 16th of December was a hay-pressing machine injured?—Yes.

15,983. To whom did that belong?—To Mr. Hussey. It was left on the roadside and was knocked down and injured.

15,984. Where was it?—It was being taken to an evicted farm.

15,985. On the 17th December 1881 did two farmers receive threatening letters?—Yes.

15,986. Did you see them?—I did not see that threatening letter. I did not see it there then, but I saw it in the office.

15,987. On the 25th December 1888, Christmas Day, were six houses visited by an armed and disguised party?—Yes.

15,988. Then, I think, the early part of January Inspector Davies speaks of the outrages?—Yes.

15,989. On the 14th January 1882 was a cow, the property of John Flemming, stabbed?—Yes; killed in the stall where she was.

15,990. Was she killed?—Yes.

15,991. January and February. Mr. Davies speaks of the outrages then?—Yes.

15,992. On the 5th and 6th of February 1882 were there notices posted up?—Yes. Daniel Keefe, John Brosnan, and Denis Leary, and others.

15,993. What did the notice threaten?—Threatened to have their ears cut and clipped if they paid their rent or applied to the Land Courts.

15,994. (*Sir C. Russell.*) Where is this?—5th and 6th February 1882.

(*Sir C. Russell.*) Here again you seem to me to be offending against the rule.

15,995. (*Sir H. James.*) No, it is a notice put up publicly?—I think Mr. Davies has that notice.

16,996. Are these the notices you speak of?—Yes.

15,997. Were they posted publicly in the road?—Yes.

15,998. My Lords, it is, as far as I can read it:—"Take notice of this abomination, " that any person who will pay his rent will get the revenge of C.M." [That is, I suppose, Captain Moonlight.] "And his successful companions rifles, and any person, " male or female, who will speak to the constables will get the same stand as I have " said before. Let everyone peruse it, and any person who will"—then there is a word torn off which I cannot read—"the hand in it to tear it, C.M. will give you an " early grave in an early century"—it is written century, it means cemetery, I suppose, but I read it as it is written here—"I stand here truly as before. C.M." [Captain Moonlight, I suppose.] "As sure as God is your guide, this is yer coffin." Then there is a picture. "C.M.'s warning." Then there is a figure representation which I cannot describe—"shoot him."

Then, my Lords, this is the next—"I stand here sufficiently and magnificent, as I " often did before, and I verily believe there are few people in this townland that they " are committing themselves wrongfully against the League. One of them are " wearing a round hump, and I will soon straighten him."

15,998a. Do you know who that is?—No, I do not.

(*Witness.*) "He is deserving buck shot and ammunition those many long days, and

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

“ I won’t mention the other one. The landlords are now on the brink of a sandy foundation and on their knees, and I hope you will stand to their downfall and keep them down. C. M.” (Captain Moonlight) “ will regulate your stand. He is the bravest captain in the land. He will give you buckshot to the eyes, and if anyone will work for any landlord I will give them plenty of shot, as sure as God is your Creator. I am yer murdered C. M. Take this warning or not, I will have your life on the spot. Captain Moonlight, the boy that regulates yer movements. C. M.”

15,999. Then were there others against the tenants of Mr. Raymond and Lord Ventry?—Yes, generally.

16,000. Were those letters written or posted?—They were notices; no tenants were named on them.

16,001. Were Mr. Raymond and Lord Ventry referred to in the notices?—Yes.

16,002. They seem to have been taken down off the wall after some severe rain (*document handed to the witness*)?—No, that is not the notice—that is not the one I refer to. There are no tenants named.

16,003. See if that is the notice you are speaking of (*another document handed to witness*)?—No, that is not the notice; Daniel Keefe’s name is in that notice.

16,004. See if that is the notice (*another document handed to the witness*)?—Yes, that is the notice.

16,005. “ February, 1882. Down with landlordism. To all whom it may concern, namely, to rentpayers, bailiffs, spies, &c., and especially to tenants in the “ Drumond ”?—Drummond it should be, it is Mr. Drummond.

16,006. “ And Ventry estates. Know all, the above-mentioned tenants are now, for the last time, cautioned to observe the following remarkable advice: 1. That the Land Court, as it is, is a sham. 2. Pay no rent until our brave and gallant chieftan, Charles S. Parnell and the other suspects now in English prisons are released, for they were illegally arrested under that villainous Coercion Act so actively placed in force by the magistrates and police, or, in other words, English-paid hirelings. 3. “ Treat all traitors as Talbot and Corydon were treated.” These were informers who were shot, were not they?—Yes, Talbot was.

16,007. Talbot was shot?—Yes.

16,008. What became of Corydon?—I could not tell you; he was not shot anyway.

16,009. Talbot was shot?—Yes.

16,010. “ Avoid the man who is under the protection of Catchpoles.” Do you know what that means?—That refers, in my opinion, to Edward Ball. He was the bailiff to Lord Ventry on Lord Ventry’s estate.

16,011. What does Catchpole mean?—That is the name they call the police.

16,012–13. They call the police Catchpoles?—Yes.

Then this seems to be poetry:—

“ By the God that sees us all,
 “ Rentpayers they will surely fall:
 “ For while Parnell in gaol remains
 “ Captain Moonlight must take pains
 “ In every way, both day and night,
 “ To make the tenants go aright.
 “ So now to end—enough I’ve said
 “ With 50*l.* for the rentpayer’s head.

“ Any person who disregards these rules will be punished with certain death. Down with Victoria la Reine. Down with the traitors and spies, and the mean tenants in Ventry estate, who betrayed Parnell by paying their rents, who think it is not known as yet, but let them prepare for death. Signed by Captain Moonlight, or United Irishmen.”

16,014. Then on the 18th of February 1882 “ two farmers threatened not to pay their rent ”?—Yes; I think that is the notice that you had before. Daniel Keefe was one of them.

16,015. On the 28th of February 1882?—On the 21st of February there was an outrage. William M’Carthy and Denis Lonahan visited, and a shot fired in Lonahan’s house; sworn not to pay rent.

16,016. You are quite right; that is the 21st of February?—Yes.

16,017. The next is, I think, the 28th of February 1882?—Yes. That is a case that

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

was proved here the other day. Cornelius Hickey; he was intimidated. That was the man who was subsequently shot.

16,018. I think my Lords have had that case before; the man was shot on the 8th of June 1882?—Yes.

16,019. And he died, did he not?—Yes, he did, after amputation of the leg.

16,020. On the 6th of March?—That case was also proved here. Daniel Doolan; he was fired at and wounded.

16,021. And, I think, from the 5th of March to the 25th, Inspector Davies speaks of?—Yes.

16,022. We have had no meetings up to this time since the 11th of September 1881, at which Mr. Herbert was mentioned, but on the 30th of March Mr. Arthur Herbert was murdered?—Yes; he was at the petty sessions at Castleisland that day.

16,023. Mr. Meredith, I think you told me, had received police protection?—Mr. Meredith had; yes.

16,024. Had Mr. Herbert received any police protection?—No; he used to be protected occasionally, by patrols if we knew he was out on a certain road at night; but he had not any constant protection.

16,025. Where was Mr. Herbert murdered?—He was murdered at a place called Lisheenbawn, about 2 miles or 2½ miles from Castleisland.

16,026. Did you know anything yourself in investigating that murder (do not tell me if you do not know of your own knowledge) with Mr. Moriarty?—Yes, I went to the scene at once, and I saw Mr. Moriarty coming out, that is the clergyman of the parish; he was sent for to break the intelligence to Mrs. Herbert.

16,027. To the mother?—Yes.

16,028. What happened when he came?—On coming near the scene he was hooted and groaned at by a crowd collected near the scene.

16,029. Who were the people collected near the scene of the murder?—People of the locality. I was not near enough to distinguish who they were at the time.

16,030. But they were people of the locality?—Yes, they were people of the locality.

16,031. Did you attend the funeral?—I did.

16,032. Did the police and military attend the funeral?—Yes.

16,033. For what purpose?—For the purpose of protecting his remains to the grave.

16,034. Was the grave guarded for several days?—It was.

16,035. Did you see some lambs that had been killed on the lawn?—I saw some of them the next day, the night after they were killed.

16,036. How long was that after the murder?—It was on the night of the murder the lambs were killed.

16,037. The night after?—It was the night on which the murder took place.

16,038. Then the murder was in the daytime?—Yes, on the 30th.

16,039. I suppose the fact of the murder was notorious in the neighbourhood?—Yes.

16,040. How many of these lambs were killed?—I cannot say how many were killed, but I saw one of them next day.

16,041. That was the 30th of March. Then I think between the 30th of March and the middle of April Mr. Davis speaks to?—Yes.

16,042. 17th of April 1882, John Cullotty?—John Cullotty was shot.

16,043. What was he?—He was a rent warner on Miss Busteed's property.

16,044. That, I think, has been before my Lords. On the 17th April 1882 he was shot in the leg and it had to be amputated?—Yes.

16,045. Since that time had Cullotty been protected by the police?—Yes; he had police huts in front of his door.

16,046. On the 25th of April did anything happen to James Eraght?—He got some threatening notices about some farm he had taken.

16,047. On the 1st of May 1882 was the dwelling of Edward Walsh fired into?—Yes.

16,048. On the 7th of May 1882 was a notice posted up offering a reward?—Yes, that was the notice that was spoken to here the other day, and afterwards the notice was found; it was the notice about Cullotty offering 100*l.* reward.

16,049. Has it been put in evidence?—I think Mr. Somes gave it in.

16,050. I am told that was put in by my friend Mr. Murphy. It is offering a reward

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

of 100*l.* for anybody who would work for John Cullotty. That was the notice, I think?—Yes.

16,051. Then there were some notices inquired into by Mr. Davis on the 14th of May 1882; Callaghan and Lynch received notices threatening them?—I do not remember that case, but it is reported.

16,052. From the 14th of May to the 29th of May belongs to Mr. Davis. On the 2nd of June 1882 the case of Honora Cahill, what happened to her?—Her house was fired into at a place called Knockatee, near Castleisland, and the notion was that she was about to take a farm.

16,053. I think, on the 8th of June 1882, we have again the case of Cornelius Hickey referred to?—Yes, that case has been proved.

16,054. I believe during the early part of June 1882. I will summarise them, the 5th, 6th, 8th, 10th, 12th, 13th, 18th, 20th, 23rd, and 26th of June a great many threatening letters were received?—There were, and boycotting notices.

16,055. Were those letters or notices?—They were both letters and notices.

16,056. Have you got any of the notices as a sample?—Yes.

16,057. They run from the 5th of June to the 26th. My Lords, there was a notice which I asked for just now, under date February 1882. It was out of Court for the moment. If your Lordships will allow me I will read it now.

(*The President.*) The 18th of February, did you say?

16,058. (*Sir H. James.*) No; under the date of Thursday simply. “100*l.* reward for anyone giving information of paying rent. Captain Moonlight’s office, Tipperary, February, year 1882, Keefe Daniel.” What does that mean?—A man named Daniel Keefe who rents a farm near a place called Kilquane, about three miles from Castleisland.

16,059. “We are hereby ordered to give you notice, and a strict one: Why did you pay your rent a few days ago? Did you not know that the moonlight brigade is not dead yet? and I solemnly swear that before a few nights we will take a walk to you and clip off your ears, and also to the rest of your friends in Kilquane about the paying of their rent, namely, John Brosnan, Denis Leather, for the paying of their rent, John Hoggin for putting his land under the Court, Maurice Costello settling with his landlord, John Sullivan for telling the people to pay rent. Signed by Captain Moonlight I will give a reward of 5*l.* to any person who will give information of tearing off this notice. Captain Moonlight.” I was speaking of June 1882. You said you got some notices, see if those are specimens (*handing same to witness*)?—I think those are they.

16,060–61. Just take this one; it seems to be a list of names. What does that mean?—I do not think those can be notices; they seem to be memoranda.

(*Sir C. Russell.*) Does he know anything about them at all?

(*Sir H. James.*) Yes, he has identified them. I put them into his hands. Just look at that while I read this notice: “Captain Moonlight is now at hand. There is 50*l.* reward by Captain Moonlight, any man to give intelligence about any person to serve a landgrabber”—then there is the word “Sooper”—“And, indeed, Mr. Horan, I am told you are giving a passage to Patt Kean for his cattle to the Orfens’ land.” Orfens’ land; do you know what that means?—Yes.

16,062. What is it?—Kean allowed a man to go through his land who became obnoxious.

16,063. What is the “Orfens’ land”? What does it mean?—Orphans.

16,064. What does “Orfens” mean?—A man’s, named Horan, parents died.

16,065. But had you knowledge that there was a place called Orfens’ Land?—No, the place is at King’s Hill.

16,066. No doubt; but I want to know the meaning of the word “Orfens.” Were there some orphans concerned in the land?—Yes.

16,067. Who were they; what were they?—The Horans or Kcans; Keans, I think, were the orphans.

16,068. “Giving a passage to Patt Kean for his cattle to the Orfens’ Land. Well, now, we are telling you in one word if you let his cows come through your land any more, by Jesus Christ, your life is not worth”—then there is something I cannot read—“your sun will be set,” I think it is. Then there is a word that looks like “Dippo.” “Take very good care not to let Cane’s cows come through any more, and spare your own life as long as you can.” Then there is the picture of a man shooting

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

a gun, and "Mind the bog." What are the other memoranda that you had?—Those are the ages of Kean's children.

16,069. Between the 5th and 26th June there were several of these letters and notices?—Yes.

16,070. On the 27th June did you see the body of a man murdered, Pat Cahill?—Yes, lying on the mountain side, at Clashatlea, in the morning. It is not in that book, that part of county Kerry was not in Castleisland then, it was in the Tralee district.

16,071. Therefore it will not be in this book. Who was this man?—He was a caretaker on a farm under Mr. Hussey.

16,072. Was that an evicted farm or not?—Yes, an evicted farm.

16,073. He was caretaker for Mr. Hussey on an evicted farm?—Yes.

16,074. Was there on the 11th July 1882 another caretaker shot, James Kearney?—Yes, he was a sort of managing man for Mr. Raymond.

16,075. Mr. Raymond was a landlord?—Yes.

16,076. Kearney was wounded in the shoulder by a bullet?—Yes.

16,077. I think you have more notices from the 11th to the 31st July to several people?—Yes.

16,078. See if these are notices which you had in July (*handing same to the witnesses*)?—Yes.

16,079. Just give them to me?—There are several others.

16,080. I know; I will take specimens of them. This is printed, my Lords, in large type: "Notice. You are hereby requested, at the peril of your lives, not to transact business with Patsy Power, the landgrabber, or his representatives. You will be well watched by our company. Captain Moonlight." Who was Patsy Power?—He was a horse dealer who used to come to Castleisland fair.

16,081. Had he taken any land to your knowledge?—Not to my knowledge, but I heard he had.

16,082. "Notice. Labourers, take warning! At your peril, do not go into his house or work for the tussock jumper, Collins, the oppressor of the widow and orphans of your class. Save yourselves; keep your eye on"—then there is the commencement of the letter "h"—I presume it is the word "him"?—That notice refers to the same orphans as the ones before.

16,083. The Kean's?—The Horan's there.

16,084. Just take that letter in your hand and tell me from whom you received it?—I received it from James Eraght.

16,085. Was there a man named Maurice Murphy at Castleisland?—There was.

16,086. Was he at the Crown Hotel?—Yes; keeping the Crown Hotel.

16,087. Was he known to you as a Land Leaguer?—Yes.

16,088. An active one or not?—Well, he was rather active in it.

16,089. You received this letter?—Yes.

(*Sir H. James.*) My Lords, it is a letter directed to Mr. Maurice Murphy, Castleisland, Crown Hotel, for James Eraght, Meenglaw.

16,090. You have told me, I think, that you received that letter from Eraght?—Yes, from James Eraght.

16,091. Were Land League meetings held at Murphy's house?—Yes, frequently; the members of the League addressed the people from the balcony of Murphy's Hotel.

(*Mr. R. T. Reid.*) Is it an anonymous letter?

(*Sir H. James.*) Yes, it is an anonymous letter; it is in the same category as the threatening notices.

(*The Witness.*) It was only directed to the care of Murphy.

16,092. (*Sir H. James.*) "Brave James Eraght, as a friend, I caution you the sooner you give up bog-ranging and under-strapping, and also land-grabbing, is best for you. Blast you, you boycotted ruffian! Do you know that the day has dawned in Ireland that landlords and their tools are trodden under foot by the poor suffering peasantry. It is absurd for your equals to think that you could be left live in a civilized country like this; so now, you boycotted ruffian, you are sure to fall like the rest of our poisonous reptiles. Your carcass will be mutilated by bullets. Yours truly, Captain Moonlight. Direct your letter to Castleisland Barracks"?—That man had police protection for about two years.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,093. I was going to ask you that ; that man who gave you the letter, Eraght, did you give him police protection ?—Yes, constant protection at his house.

16,094. For how long ?—About two years, or two-and-a-half-years, as well as I can remember.

16,095. Then on the 4th August 1882, I believe a horse, the property of John Powell, was maliciously stabbed ?—Yes.

16,096. And on the 21st July, 26th and 27th July, and the 3rd September, were people threatened ?—Yes.

16,097. Then September and October is Inspector Davis. Then on the 3rd October 1882 Thomas Brown was shot dead in a field, I believe ?—Yes, convenient to his house.

16,098. Between the 3rd October 1882 and the 30th November 1883, threatening notices, or raids for arms ?—Yes, they occurred in the district reported.

16,099. Just see if this is one of the October notices (*handing same to witness*) ?—Yes, I think so.

16,100. Just look at those and see if those are also October ?—Yes.

16,101. That is a letter that was received from Kearney :—“ Take notice, to Daniel Kearney, Moonlight Arms Hotel. Take notice, pay no rent, or if you do you are liable to be shot, and it is not what your brother Jim got you will get. You are liable for death altogether, and Jim will catch it.” Do you know who that refers to ?—I think it refers to James Kearney who was shot in the shoulder.

16,102. James Kearney was shot in that district as we know ?—Yes.

16,103. “ It is in store of ye again, it is the last caution we will be going to trouble, show this to Dan Keefe, and John Walsh, and Dan Walsh ; and Dan Walsh and John Walsh if ye do pay rent ye will catch it yet ” ?—All those farmers lived in the same locality as James Kearney.

16,104. It is signed by Captain something, then. “ Take notice, to Daniel Kearney, take notice, pay no rent, or if you do you are liable to be shot, and it not what your brother got you will get, you are liable to death altogether with your brother Jim.” That seems to be almost the same as the other. Then there is the letter to this man Kearney. I had got it October, but this comes in on November 10th, I will read it, “ Dear Mrs. Kearney. I hereby warn you not to allow your children to be visiting the house of Mrs. Mahoney, who is worse than an informer and partly acting on that principle as well. If you don't keep your children from her company altogether I will have you in Eternity on the 20th instant, under pain of a cruel death. Never again allow your daughter or daughters neither to work or speak to Mahoney or his wife, who wants to confirm old Biddy Shea in her dirty false smearing, Lieutenant Moonlight, No. 14, will give the *coup de grace* ” ?—That notice referred to the murder of Brown.

16,105. Just look at that. Do you know what date that would be (*handing a paper to the witness*) ?—I do not remember about this notice.

16,106. Have you seen that notice before, at any time ?—I may have seen it at the office, but I do not remember it.

16,107. Then put that back. The last date I got to was October 1882. On the 30th of November 1882 was Edward Boyle, gamekeeper of Lord Ventry, shot at ?—Yes, and one of his escort was murdered.

16,108. *The President.*) What was the date ?—The 30th of November, my Lord.

16,109. *(Sir H. James.)* Was one of his escort a constable, McLean ?—Yes ; he had to leave the service in consequence of the wounds he received.

16,110. This letter is a November letter. Do you know anything of that (*handing it to the witness*) ?—No.

16,111. That is a November notice. Have you seen that notice ?—Yes.

16,112. Where was that notice placed ?—It was about Kilmorey somewhere.

16,113. “ Notice from Captain Moonlight to John Walsh to send James Kearney's heifers off his land before two days. You will get the contents of Captain Moonlight's gun, although you had a supposed ” (something scratched out), “ Captain Moonlight yourself, but he was a rotten one. I knew, Johnny, you were a rotten seab. God knows you will get what Kearney got, and I knew this a long time, the *biglarding wison you*, but I would not any other one Walsh's up and down with you, they are decent men ; by God we are not dead yet.”

16,114. Is this another notice. See if you recognise that (*handed to witness*) ?—No.

16,115. Between the 30th of November 1882 and the 25th of February 1883 were there 33 outrages ?—Thirty outrages were reported.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,116. Between the 30th of November 1882 and the 25th of February 1883?—Yes.

16,117. They were outrages which included threatening notices, intimidation by firing shots, and raids for arms?—Yes.

16,118. On the 14th of May 1883 was James Walsh attacked?—He was shot.

16,119. What happened to him?—He was fired at and wounded in the neck. He had also the mark of two holes just like that at each side of the spine (*illustrating*).

16,120. Who was James Walsh; what was he doing?—He was a caretaker on an evicted farm.

16,121. On the 30th of June 1883 was a horse, the property of Hugh Connor, injured?—Yes; one of its ears cut off.

16,122. Did you see the horse?—Yes.

16,123. Did you see one of its ears cut off?—Yes.

16,124. Between the 30th of June 1883 and the 17th of January 1884 were there 33 outrages?—There were, reported and committed in the district.

16,125. Did you see a notice?—No, I did not, but I heard there was a notice.

16,126. Do not speak about it then. On the 21st of January 1884 was an outhouse belonging to John Flynn at Portduff burnt?—Yes.

16,127. Was there a horse and some cattle in it?—Yes, six head of cattle. He got 120*l.* compensation after.

16,128. From the 21st of January 1884 to the 5th of July 1884 were there 11 outrages?—There were raids for arms and threatening notices. There were 84 outrages committed in that time; between the 21st of January and the 5th of July 84 outrages.

16,129. Then I have got it wrong. There is some little inaccuracy in my statement. You are sure of that?—Yes, reported, I counted them from the book.

16,130. Of what character were they?—Raids for arms and threatening notices.

16,131. On the 8th of July 1884 did anything happen to some heifers, the property of John McCarthy?—Yes, the tails were cut off four heifers belonging to him. He got compensation for them.

16,132. Where had the cattle been grazing?—The cattle had been grazing on an evicted farm at a place called Cordall.

16,133. From the 8th of July to the 29th of September 1884 there were seven outrages?—Seven; yes.

16,134. Of the same character?—Raids for arms and threatening notices.

16,135. On the 29th of September 1884, again the cattle of John McCarthy maimed?—Yes, they were further maimed.

16,136. Was there compensation obtained?—I think he applied for compensation. I do not know whether he got it or not.

16,137. Between the 29th of September and the 21st of November 1884 how many outrages were there about?—There were several outrages.

16,138. They are in the book. On 21st November 1884 did anything happen to a horse, the property of Patrick Horgan?—Yes; its ear was cut off. It was a gennet. He got compensation.

16,139. On the 28th November 1884 did anything happen to Mr. Hussey's house?—Yes; there was an attempt made to blow up Mr. Hussey's house.

16,140. By what means?—Supposed to be by dynamite. The house was injured. He got compensation, 2,000*l.*

16,141. Between the 28th November 1884 and the 1st of July 1885 I believe there were 29 outrages of the character you have mentioned?—Yes; raids for arms, cattle stealing from evicted farms. Nearly all the cattle were slaughtered after being stolen, and afterwards found by the police.

16,142. On the 1st July 1885 I believe there was rather a valuable horse, the property of Bridget Horan, injured?—Yes; its ear was cut off also.

16,143. To your knowledge, were there two Land League meetings, one held at Gneeveguilla, on the 21st December 1885?—Yes.

16,144. And was there one on the 6th January 1886?—Yes.

16,145. Where?—At Knocknagoshil.

16,146. Were you present?—I was present at both those meetings.

16,147. Take the first meeting at Gneeveguilla; that was the 21st December 1885. Who were present there, and who spoke?—Mr. Edward Harrington was there; Mr. Stack, of Listowell; and Mr. Sheehan, Member of Parliament.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,148. Those three gentlemen are all Members of Parliament?—Yes.

16,149. Was any reference made to any landlords?—Yes.

(*Mr. Reid.*) Surely in regard to these speeches we ought to have, and I presume we shall have, the speeches proved in the ordinary way—what was said?

(*The President.*) Yes.

(*Mr. Reid.*) We need not have it over again.

(*Sir H. James.*) My friend is very good. The objection is not a legal one. If we have no report, and I am instructed we have no report, we must prove it the best way we can.

(*Mr. Reid.*) It is different if you have no report.

(*Sir H. James.*) That is so. I have not the report.

16,150. You have told me Mr. Harrington, Mr. Stack, and Mr. Sheehan were all present?—Yes.

16,151. You were not sent there as a reporter?—No, I was sent there to preserve the peace.

16,152. Did you hear any reference made to Lord Kenmare and Mr. Hussey?—I did.

16,153. What was said, if you please?—Well, they were spoken of in connexion with rents on the Kenmare property. I did not take any notes of the meeting. I am only talking from memory.

16,154. So I understand you. What was said about paying rent or anything of that kind about landlords?—It was stated at that time that there was a demand of 30 per cent. asked by the tenants, and that it was not accepted by the landlord, and the tenants were asked not to accept now even 30, but to go in for 50 per cent.

16,155. Was anything said about landgrabbers or land-grabbing?—Yes.

16,156. What?—I could not exactly give the exact words used, but landlordism and landgrabbers were denounced in the usual way.

16,157. (*Sir C. Russell.*) Is this the meeting of the 21st December you are speaking of?—Yes.

16,158. (*Sir H. James.*) The Gneeveguilla meeting?—I made a report of the meeting at the time.

16,159. Now come, if you please, to the Knocknagoshil meeting of the 6th January. Was Mr. Sheehan present there?—Mr. Sheehan and Mr. Harrington were present there, and Mr. Stack.

16,160. Were there also two clergymen?—The Rev. Mr. Casey, he was the parish priest.

(*Mr. R. T. Reid.*) It seems there is a report of this, because it is one of those which have been already furnished to us, so really I hope we shall not go over it again.

(*Sir H. James.*) I am told it is not so. Is it furnished to you?

(*Mr. Reid.*) Here it is, furnished by you—Knocknagoshil.

(*Sir H. James.*) Gneeveguilla is the one. That was not.

(*Mr. R. T. Reid.*) No; but I am dealing with the one you are dealing with.

(*Sir H. James.*) Will you let me see it?

(*Mr. R. T. Reid.*) With deference, we not go through them again.

(*The Witness.*) There was no special report of that meeting.

(*Sir H. James.*) My friend is assisting me. He has put in a report of eight lines giving simply the condensed statement, and in the margin is put "Witnesses." Head Constable Huggins is one.

(*Mr. R. T. Reid.*) That was furnished to us.

(*Sir H. James.*) If your Lordship will look at that it is not a report of the speech.

(*The President.*) Assuming you have read it all, it refers to the witness.

(*Sir H. James.*) What we have furnished is this: "Knocknagoshil, 6th January, 1888. Speaker, Mr. Sheehan. Asked the people to use to the best advantage boycotting, that powerful instrument which they possessed, against the land and grass grabber. He knew that there were plenty of people about here who have received processes for rent, and warned them against going behind their neighbours backs to pay their rents. Any such man should be treated as a grabber. They heard a lot about a fair rent, but he considered a fair rent to be no rent. Also spoke against the commission of outrages, as at present, when the goal was so nearly reached, they might injure the cause." Then there are two witnesses, Hourican and Huggins.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(*The Witness.*) I am one of those witnesses, my Lord.

(*Sir C. Russell.*) You had better wait till you are asked.

(*Sir H. James.*) Your Lordship sees the person who is mentioned here is Constable Hourican and Head Constable Huggins.

(*The President.*) I see he is referred to as the witness who would prove what is there. Of course you are entitled to prove more than is there if this witness can remember it, but the observation is that in the report he made at the time.

16,161. (*Sir H. James.*) That was a very short report in eight lines of what Mr. Sheehan mentioned. Your Lordship sees I was going to prove now what a Dr. Moriarty, of Listowel, said?—That was the only speech I noted—Dr. Moriarty's, but I heard the others.

16,162. (*The President.*) What document is that which you have?

(*Sir H. James.*) This was furnished by the courtesy of my friends as a short summary and statement. I do not know it is the exact report he sent, but it is not a reporter's report.

(*The President.*) That I am fully aware of, but I am under the impression that it was a copy of his official report of the meeting which he said he made?—No, I did not make an official report.

16,163. I understood you to say you did?—The only speech I noted was that of Dr. Moriarty.

(*Mr. Justice A. L. Smith.*) Sir Henry and Mr. Reid, are those speeches of 1886?

(*Mr. R. T. Reid.*) Yes.

(*Mr. Justice A. L. Smith.*) We have only speeches of 1880 yet.

(*Sir H. James.*) No, 1886.

(*Mr. Justice A. L. Smith.*) I say we have only had furnished to us the speeches of 1880.

(*Mr. R. T. Reid.*) The full report your Lordship has not had furnished beyond that probably. But there are other speeches which have been put in and furnished previously, and those are they.

(*The President.*) However, now I understand. This is in fact a short *précis* of the evidence which you have furnished to the other side?

(*Mr. R. T. Reid.*) No, it is all the report they have. It was given to us as all they had.

(*Sir C. Russell.*) We need not quarrel about terms, my Lord, but we do not admit it is a *précis*.

The President.) Very well, I was only imagining what it was.

(*Sir H. James.*) The Attorney-General referred to certain matters in his speech, and, amongst others, referred to this very speech, and my friend has got the assistance the Attorney-General could render them.

16,164. Did you hear Dr. Moriarty speak?—Yes.

16,165. Who is Dr. Moriarty?—He is a medical man. He lived then at Listowell, partly in the Castleisland district. He was going in for a position in Castleisland district, but he was defeated by a Dr. Rice.

16,156. Tell me from memory first what it was he said?—I took a note. That is the only speech I noted at the meeting.

16,167. Have you that note?—I have.

(*The document was put in and read, and was as follows:—*)

“ 6th January 1886.

“ At the National League meeting held at Knocknagoshil on the 6th instant,
 “ Dr. Moriarty announced himself an ardent admirer and follower of James
 “ Stephens. He also stated that he was well acquainted with all the leaders of
 “ the Fenian movement in England, Ireland, and Scotland. That until landlordism
 “ was completely abolished there would be no hope for this country. That next
 “ to landlordism was the landgrabber, because he helped to keep up the system.
 “ He said the landgrabber should be shunned by every man caring anything for his
 “ country. No man should talk to him. They should shun him as if he had the
 “ plague. He said they might if he were dying go for the priest for him, but not
 “ to attempt to bring him a doctor. Let him go to his grave unhonoured, un-
 “ wept, and unsung. But none of them should go to his funeral. He would not
 “ allow anyone to go there except his widow, who ought to fire a pop-gun over his
 “ grave.”

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,168. Was that spoken in the presence of the gentlemen whose names you have given me?—Yes.

16,169. What sort of meeting was this? Was it a large meeting?—It was a very large meeting. It is a small village.

16,170. Was this spoken loudly to the meeting?—Yes, it was.

16,171. Did you hear any dissent from that speech of Dr. Moriarty proceed from either of the gentlemen you have said were present, Mr. Sheehan, Mr. Stack, or Mr. Edward Harrington?—No.

16,172. Throughout the whole of the time that you were at Castleisland how were the police treated? Could you obtain cars or obtain assistance?—No. Immediately after I went there transport cars had to be furnished. We could not get cars to go on duty or remove men on transfer, or anything else. There were three cars; two at first, and then a short time after another one sent to the district.

16,173. I am going back for one moment to a particular case. On the 6th of January 1881 were you present when Catherine Linaghan was prosecuted for holding forcible possession of a house?—I prosecuted her myself.

16,174. At Doolag, in the county of Kerry?—Yes.

16,175. Was that hearing at the Castleisland Petty Sessions?—Yes.

16,176. You have spoken of Timothy Horan, who was then secretary to the Land League?—Yes.

16,177. Did he, when the case was called on, stand up in court and make any application?—He did.

16,178. What did he say?—He said he appeared to defend the case on behalf of the Land League.

16,179. This was a charge for taking forcible possession of a house in Doolag?—Yes, the woman was put into possession of the place by an armed party. It occurred before I went to the district.

(*Sir H. James.*) Very well; you must not tell me this.

16,180. (*Sir C. Russell.*) What was the date of this?—The 6th January 1881.

16,181. (*Sir H. James.*) But had you stated before Horan mentioned this in Court what the charge was?—Yes, the charge was read out.

16,182. Had you stated that it was that she had taken forcible possession by means of an armed party?—Yes; she was prosecuted for holding forcible possession, and not for taking forcible possession.

16,183. Had you mentioned how she had got into possession?—Yes.

(*Sir C. Russell.*) He said he was not in the district.

(*Sir H. James.*) I endeavoured to make that clear; but in open Court he said that was the charge.

16,184. That having been stated, Horan, who was secretary of the League, appeared on the part of the League, you say, to defend?—Yes.

16,185. I suppose Horan was not in any legal position, he was not a solicitor?—No, the magistrates did not attend to him.

16,186. The magistrates did not allow him to appear?—No.

16,187. Had Mrs. Lenihan taken the farm from a man named Patrick Murphy?—Mrs. Lenihan had been evicted from the farm.

16,188. Then Patrick Murphy went in?—Yes.

16,189. Then she was put into possession again?—Yes, that occurred before I went to the district.

16,190. Only say yes, or no. Whatever happened to Patrick Murphy had happened before you went to the place?—Yes.

16,191. Did you in stating the case to the Court mention what had happened to Patrick Murphy, and before Horan made this application?—No, I did not.

Cross-examined by Sir C. RUSSELL.

16,192. I should just like to know about this last case. Did you think it was wrong that a woman charged with keeping forcible possession should be defended?—No, I did not; but I thought it extraordinary that Tim Horan should stand up.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,193. Why?—Because I did not think he was any relative of hers.

16,194. And because he was not a relative of hers you thought it was extraordinary he should stand up and defend her?—Make the statement he did; that he appeared on behalf of the Land League.

16,195. Well, but that was very candid on his part?—Yes.

16,196. Did you think it was wrong for any organization to defend a person charged with any offence; charged, recollect?—I do not know that I thought about the matter at all.

16,197. I suppose you know there is a presumption that everyone is innocent of what he is charged with until he is proved to be guilty?—Yes.

16,198. In course of law?—Yes.

16,199. Perhaps that is not a presumption you would give much practical effect to?—Well, I do.

16,200. You do in your own mind?—Yes.

16,201. As it is the last matter which has been mentioned, although it more properly belongs to my learned friends, I should like to ask a question about this meeting. First of all, and do not answer without reflecting, was Mr. Edward Harrington present when Dr. Moriarty spoke at all?—I believe he was.

16,202. Will you swear he was?—I would not swear that he was. I think he was in the crowd, if he was not on the platform. I saw him moving convenient to the platform at different times during the speaking.

16,203. Then you are not able to say that he was present, but you think he was, because you saw him moving about in the crowd?—Yes, I think he was.

16,204. Will you say you saw him moving about in the crowd when Dr. Moriarty was speaking?—I would not say that either.

16,205. Then probably you would not know what I am now going to put to you. You have told us that Dr. Moriarty was seeking some official position in the country?—Yes, he was.

16,206. What was it? Dispensing doctor or something of that kind?—Dispensary doctor at Cordall.

16,207. Did you hear that he was endeavouring to use the occasion of this meeting for the purpose of pushing himself?—No, I did not.

16,208. Did you think he was?—No, I did not. It did not occur to me.

16,209. Have you known him take any part in any meeting before or since?—No, I did not see him only just about the time that he came to try to get this appointment.

16,210. Did you know whether he was a member of the Land League?—No.

16,211. Or of the National League?—No.

16,212. But so far as your observation extended he had no connexion with either, except so far as this meeting was concerned?—Except on what he stated himself.

16,213. About your report, I should like to ask a question or two. Did you take any notes of the meeting?—No, I did not; that was the only speech that I noted.

16,214. I do not think you appreciate my question. Did you take any notes at the meeting?—Not at the meeting, immediately after.

16,215. Of no person's speech?—Of Brosnan's speech and no other. But I was present during the whole meeting.

16,216. Of whose speech?—Of Dr. Moriarty's I mean.

16,217. I am asking you, you did not take that at the meeting?—No.

16,218. Therefore your answer is you took no notes at the meeting?—No, not at the meeting.

16,219. Then you went home to the barracks?—Yes, the barracks was quite convenient.

16,220. Very well, I do not say it was not. You went home to the barracks and then you took a note?—Yes.

16,221. On this half sheet of paper?—Yes.

16,222. Where has this important document been since?—It has been in my possession since.

16,223. Where?—In my papers. It was almost the only one I brought with me from Castleisland. All the others I tore up, and I do not know how that escaped.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,224. When did you date this, do you recollect?—I put the date on it when I found out the date of the meeting from the records.

16,225. Do you mean you put it on this a few days ago?—No, I put it on last summer, when I was in Castleisland. I took the date of all the meetings that were held in the district.

16,226. I only want to follow this. You put it on last summer?—Yes.

16,227. 1887?—No, 1888.

16,228. 1888, you mean?—Yes.

16,229. I think you had written 1885, had not you, as the date? Just look at it. I do not know that it is very important, but it is simply to test the genuineness of this record of yours?—Yes, I had.

16,230. You had originally written it 1885?—Yes.

16,231. And you corrected it last summer? You wrote it first and then corrected it?—It was then I made both 1885 and 1886, because I thought it was 1885.

16,232. Yes, it is a mistake people sometimes do make, no doubt. Hourican was with you?—Yes.

16,233. Did he write shorthand?—No.

16,234. Did he take any notes at the meeting?—He was the man that was appointed to take notes at the meeting.

16,235. He did take notes?—He did, yes.

16,236. I may just get the fact. Were these three members of Parliament whose names you have mentioned members for the county in which this meeting was held?—Yes, they were, for Kerry.

16,237. Then it was a meeting of their constituents, or composed of their constituents?—I could not say now really whether Mr. Sheehan was a member or about to be a member, but it was just about the time of his election. I think he was an elected member at the time.

16,238. Now I leave that. How long have you been here in London?—I have been here since the 1st of November.

16,239. Is this your first visit?—No.

16,240. I mean about this matter?—Yes, this is my first visit on this trial.

16,241. On this inquiry?—Yes.

16,242. But not your first visit about these outrages?—No, I got a subpœna in the O'Donnell trial.

16,243. Who served you with a subpœna, or were you served?—I got a letter from Mr. Bolton, asking would I accept service by post, and I said I would.

16,244. Is that Mr. George Bolton?—Yes.

16,245. Where does he live?—I believe he lives in Dublin.

16,246. He is Crown Prosecutor, is he not, for a district in Ireland?—He is Crown Solicitor for Tipperary, I think.

16,247. I presume you agreed you would accept service?—Yes.

16,248. How long were you in attendance here on the first occasion?—I was about three weeks, I think.

16,249. And now on this occasion you have been here since the 1st of November?—Yes.

16,250. How many head-constables, and constables and inspectors, and sub-inspectors and district inspectors, and resident magistrates are here?—I could not tell you.

16,251. Tell me within a hundred or two?—I do not think there are half a hundred; that is, district inspectors. I daresay there are over 200 in all.

16,252. I mean inspectors, district inspectors, policemen, head constables, resident magistrates, and district magistrates. Very well; about 100 in all. How does Ireland get on without them?—I cannot say.

16,253. Have outrages gone down since they arrived in London?—I do not think so.

16,254. I want to know, please, about this book, and I wish to put this with a view of conveying it to my Lords directly. This is a volume which is an official volume, I presume?—Yes, called the Outrage Book.

16,255. Furnished by the authorities?—Yes.

16,256. It is headed "Outrage Book"?—Yes.

16,257. And are all the outrages of every class, agrarian and non-agrarian, recorded in it?—Yes, every outrage that is reported is recorded in that book.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,258. That is what I mean, of course. Every outrage reported is recorded in it, whether agrarian or non-agrarian?—Yes, that is the particulars; just the name and so on, according to the headings in the book.

16,259. I call my Lords' attention to what the character of the headings is: "Date and nature of offence; name and class of life of injured person, and when reported to the Constabulary. Sub-district and townland. Persons arrested. Name. Date of arrest. Whether summoned, bailed, committed, or discharged. Date in each case. If information sworn, before whom, and when. Warrants, if issued, by whom, and when. Dates of attempts to execute. Observations stating result of trial, or any other particulars." Those are the headings?—None of the particulars of the outrage are reported in that book, beyond just the names and the nature of the outrage.

16,260. That is what I am asking about. You know, do you not, that these books have been in use since, I think, the year 1845?—I could not say how long they have been in use.

16,261. At all events, going back a considerable way?—I do not think they are that length. I think they are not more than about 20 years.

16,262. It may be in this particular form?—In that form; but I am not sure about that point. I should say about 20 years.

16,263. At all events going back a considerable time?—Yes.

16,264. You may, of course, not know anything about it. But the record is a record of every outrage reported?—Every outrage reported. In some instances outrages are ordered not to be recorded from the particulars given in the report.

16,265. I am going to follow that up. I wish my Lords to follow this. You are aware that from these books there are compiled the returns made to Parliament?—Yes.

16,266. Of agrarian outrages?—Yes.

16,267. Now, am not I right in saying, you have occupied more than two hours yesterday and to-day over it, that every one of the outrages that you have mentioned is returned to Parliament in an official return?—No.

16,268. Tell me one that is not?—There are several in that book. You will see every outrage in that book that is ordered not to be recorded is not furnished as an agrarian outrage.

16,269. I quite agree, and that is not inconsistent with the question I am putting to you, or rather with an answer in the affirmative to that question. You have not spoken of any outrage that has been ordered not to be recorded?—I only gave the particulars of the outrages that were reported.

16,270. Have you mentioned in your recital any that was ordered not to be recorded?—No.

16,271. Have you mentioned in your report any that were ordered not to be recorded?—No.

16,272. Am I right in saying that every outrage of an agrarian character, or supposed to be of an agrarian character, is reported, unless it is ordered not to be recorded, is returned in a Parliamentary return?—Yes, if it is ordered not to be recorded.

(*Sir C. Russell.*) I said so.

(*The President.*) What I want to know is, is that an order——

(*Sir C. Russell.*) I am going to follow it up.

16,273. The return of these are made to a person called the Inspector-General?—Yes.

16,274. Who is the Inspector-General?—Mr. Read.

16,275. What is he?—He is an officer in the constabulary.

16,276. And has offices in Dublin Castle, I presume?—Yes, he is now the head of the force.

16,277. Has he any information to enable him to judge whether the offence is agrarian or non-agrarian, to report or not to be report except, the returns made by the police; answer yes or no, and then explain?—He has.

16,277a. He has what?—He has the report of the particulars of each case.

16,278. That I am aware of?—Not as they are given down there, but a lengthy report of each particular act on the occasion.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,279. That is a report from the police?—From the district inspector of the district.

16,280. From the police?—Yes.

16,281. He has a report which amplifies the circumstances of each case?—The whole of the circumstances of each case.

16,282. And upon that information he determines whether they are to be classed as agrarian or non-agrarian?—Or not recorded at all.

16,283. Now I should like to know what are the class of cases in which there are directions not to record at all?—What class of cases? Well, it might be any class of case if the police, as they often do, as I have often done myself, if they report they do not consider it an outrage from the circumstances connected with it. That is, there are several raids there for rent, and that the belief was that some of them were got up by the farmers' sons themselves, in order to have an excuse not to pay rent, those cases were not reported.

16,284. That is the line I want to follow. Then the view of the Inspector-General as to whether it is agrarian or not, or whether it has to be recorded would depend upon the particulars or with the addition of the amplified report he would receive?—The Inspector-General, except on his inspection, never sees that book at all.

16,285. He gets the substance?—He gets the full particulars of each report.

16,286. With an amplified report?—Yes, and then a further report.

16,287. If he wants it?—No, a further report if there are any fresh facts on the outrage, and it is often that the report is pending, perhaps a month or two months, whether it would be recorded or not, until full inquiry is made into it.

16,288. May I take it in the same way that the question is determined whether or not it is agrarian or non-agrarian?—Yes.

16,289. So that practically the Inspector-General has no independent sources of information, but depends upon the police reports?—He has only the report of the district inspector.

16,290. It would be fit to mention it if there were any; which is his judgment on that report. Refer me to any case, we have not heard of it if there is one, in which you came to the conclusion the outrage was a got-up thing?—If you will show me the book I will tell you.

16,291. First of all, were there any such cases?—Yes, there were; one of them, you asked me for the case.

16,292. Do not run before me; there were such cases?—Yes.

16,293. How many altogether?—I could not tell you.

16,294. How many about?—I could not tell you.

16,295. In your time at Castleisland, about how many were there in which you came to the conclusion that they were got-up outrages?—Well, I should say about 20 or so, that is, speaking roughly.

16,296. Speaking roughly?—Yes.

16,297. Give us the dates when you were at Castleisland?—I went to Castleisland on the 4th December 1880, and I left it on the 15th July 1886.

16,298. So that you were five and a half years, something of that kind?—Yes.

16,299. Do you say there were only 20 cases in which you came to the conclusion they were got-up?—I do not say there were only 20, I would say there were 20 at least, I could not say how many until I see the book.

16,300. That is quite fair; do not suppose I am aggressive with you at all. Would you like to say there were not 50?—I would not say there were 50.

16,301. At all events 20 at least?—Yes.

16,302. As to which the police themselves arrived at the conclusion that it was a got-up job?—Yes. In every case where it is ordered not to be recorded, it was the opinion of the police of the district that the outrage was not a genuine one.

16,303. May I therefore take it that in every case where the Inspector-General ordered it not to be recorded, that the police were also of opinion that it was not a real outrage but a got up job?—Yes, there was something connected with it that made it doubtful, at all events.

16,304. Is there any occasion in which the Inspector-General arrived at any different conclusion from that to which the police reports would have led to?—I do not think so.

23 Nov. 1888.]

DANID GEORGE HUGGINS.

--[Continued.]

16,305. Therefore it comes to this, does it not—?—I think perhaps Mr. Davis would give you clearer evidence than me on that, because he reported part of the outrages, and some of the outrages I did not see reported.

16,306. Therefore I think the result of what you say is this, that it depended on the view the police took in the locality, what view the Inspector-General would take as to the classification or non-classification of outrages?—I think so as a rule.

16,307. I should like to know a little more about this. Am I right in saying that in an enormous majority—something like 80 per cent.; I do not ask you to fix that particular per-centage; but an enormous number of these cases recorded are cases of threatening letters or notices?—And raids for arms.

16,308. And notices—that is, a number of them?—Threatening notices, raids for arms, and cattle dealing is the general class of outrage in the district. Of course there were several bad cases.

16,309. Threatening letters and notices. First of all, take them separately: Did not the threatening letters and notices represent the great majority of the cases?—Well, threatening letters and raids for arms did.

16,310. I would like to take them separately?—Well, I think they did as a rule.

16,311. Threatening letters and notices; I will put them both together?—Yes.

16,312. And raids for arms will be another large class?—Yes. Those two together represent the enormous majority.

16,313. Very frequently, with raids for arms, there was the administering of unlawful oaths to tenants?—As a rule, in nearly every raid for arms, in some house or the other, there were also unlawful oaths administered.

16,314. That is not quite so. A great many cases you are right?—Where a number of houses were visited; not where a single house was.

16,315. Is it a characteristic also of this offence of moonlighting besides, as you have rightly called it, raids for arms—is it a characteristic of that offence that several frequently occurred on the same night?—Yes.

16,316. And in the same district?—Yes, a district is generally taken.

16,317. And, therefore, presumably by the same band of persons?—Yes, and in every case of that it is only reported as one outrage.

16,318. I think that is not quite so, but you are quite justified in saying what you do?—The names of all are given, but it is put down as one outrage; the names of all are given in the particulars.

16,319. I understand. I thought I saw some outrages which did not point to that conclusion?—No, that is not the fact. The report of the thing then is paragraphed off, and the particular acts done at each house is put in those paragraphs.

16,320. How long have you been in the constabulary?—I joined the force on the 10th July 1861.

16,321. Where have you been particularly stationed?—Well, I have been stationed in Cork and Kerry, most of my time.

16,322. May I ask you: Have not anonymous threatening notices and letters been, during the whole of your time, a common occurrence in Cork and Kerry?—No, I could not say there were. There may be occasional ones, but nothing at all like that.

16,323. Do not suppose I am suggesting there were as many. I am not taking it in that sense at all; I am asking you was not it a common offence?—Well, it was not a common offence.

16,324. Was it a frequent offence?—It was not a very frequent offence.

16,325. In neither Cork nor Kerry?—No. There were occasional cases.

16,326. It was an offence well known to you, if not a common offence?—Not common, nor frequent, but occasional.

16,327. Were raids for arms unknown?—Yes, as far as I know. I never remember one until I went to Kerry.

16,328. Were you in Kerry in 1865, 1866, and 1867?—No, I was not. I was in Cork.

16,329. Do you say that in 1865, 1866, and 1867 raids for arms were not frequent?—I do.

16,330. In Cork?—Yes.

16,331. Were there raids for arms?—I do not remember one.

16,332. I wish to be quite fair with you; do you say that seriously?—I say that seriously. I went to Cork, I think it was in 1862, and I was there until December

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

1880, and I do not know that I remember a single case of a raid for arms. It may have occurred, but I do not remember it.

16,333. You would not like to say it did not occur?—Well, not in the district I have been in. I have been in Charville district, and in Passage West district, and for seven years before I went to Castleisland I was in Cork city.

16,334. Do you say that you did not hear of raids for arms in the years I have mentioned to you?—No. Yes, in Chavrlille at the time of the Fenian rising there were a few raids for arms.

16,335. Now, Charville is in Cork?—Yes, it is on the bounds of Cork and Limerick.

16,336. I want to remind you of something much more serious than that. Did you never hear of a raid for arms upon a tradesman's place of business in the city of Cork?—Yes, I did.

16,337. Had you forgotten it?—I did not think of it at the time; I remember now, at Allport's house.

16,338. Did you ever hear of a raid for arms at Bandon Barracks?—No; but I heard at Maldon Barrack.

16,339. We are getting on, you see. At Bandon Military Barrack?—No.

16,340. Now, I want to take some of those cases to which you have referred, and I want to ask you a few questions about them. Do you know which is the Castleisland book of outrages? This book begins 1st September 1882. Is the previous book here, 1878 and 1879?—It was not a district at all before that time; it formed a portion of the Tralee district.

16,341. Is the Tralee book here?—I daresay it is.

16,342. Of 1878 and 1879?—Yes.

(*The Attorney-General.*) It is not in the building at the present moment.

(*Sir C. Russell.*) On Tuesday I should like to see it.

16,343. I just want to draw your attention to this—looking through this book one or two cases strike me. Under the date 29th November 1881 I find a threatening notice. Ellen O'Brien, which you have referred to already?—Yes.

16,344. And I find that under the head of observations in this book, a notice to two farmers named for sending two children to Mrs. O'Brien's school, which has been boycotted in consequence of her having Annie Griffin as an assistant teacher?—Yes, that is the woman who was a friend to those men who had taken this farm.

16,345. You told me her brother was charged with having taken an evicted farm?—Yes.

16,346. I find a pencil note opposite that—"Cannot say yet." What does that mean?—I could not say.

16,347. Look at it?—It was not I who made the note.

16,348. You have been speaking about it. What is that you "cannot say yet," or the writer "cannot say yet" (*book handed to witness*)?—I do not know; that note is in Mr. Davis' handwriting.

16,349. Very well, that relieves you at all events. Now on the 8th of December there is an entry, "Threatening notices to sundry farmers in Brosna; threatening notices warning tenants not to go to the Land Courts; not to pay rent, or they would soon hear from Captain Moonlight"?—Yes.

16,350. There is a similar note, it is in the same handwriting, I think?—It is not mine.

16,351. "Cannot say if it will be attended to"?—Yes. That was—cannot say if it had any effect, I believe.

16,352. Then there is another report opposite that—under this same date—I want to ask you that; where is Cordal?—Cordal is within about four miles of Castleisland.

16,353. And Kilmorey?—About the same distance—half a mile to the north of Cordal.

16,354. They are not close together?—They are close together, adjoining, I think—the townlands adjoining.

16,355. Was there no connexion between the firing at Michael Flynn on the 7th December at Cordal and the raid for arms on George Raymond at Kilmorey on the same night, 7th December?—I could not say.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,356. They are put here as separate outrages.. That is one of the cases I was calling attention to?—Kearney reported there was a lot of people, and there were only two men, I think, went to Flynn's.

16,357. Now I will give an illustration that my Lords may understand how this is made up. On the 16th December 1881; you have not spoken to this?—Yes, it was, I visited that man; Mr. Davis did not see that at all.

16,358. "Malicious injury to a hay-pressing machine"; it attracted my attention. (*The President.*) We have had that incident, though I do not remember the date.

16,359. (*Sir C. Russell.*) Samuel Hussey; did you examine that yourself?—Yes.

16,360. You came to the conclusion it was from some agrarian motive?—I did, because the machine was going to work on an evicted farm. It was left by the side of the road, and it was upset by the road.

16,361. You attribute it to that, and not to any personal private malice against Mr. Hussey?—Well, I forget really the particulars of it.

16,362. At all events you came to the conclusion?—It was a very trifling injury at all events.

16,363. I want to call your attention to the fact, although you took that view of it, and you were the person who inquired into it, "the Inspector-General directs this case will not be recorded"?—It was a very trifling injury, too trifling to be recorded.

16,364. Any case of malicious injury as a general rule, except the damage is over 5l., it is not considered. I presume it was not worth while applying for compensation?—He did not apply for compensation, and as a general rule where information is not sworn nor compensation applied for the case is not recorded.

16,365. Now then I come to this: "The 17th December, threatening letter to Timothy Horan"; you did speak to it, I recollect?—Yes, I did.

16,366. Have you come to the conclusion that that was also agrarian, or not?—No, I do not think it was. I think that letter was about paying his dues or something to Father Lynch.

16,367. Just refer, please; you have been asked as to this?—Yes, that is it; that is just the thing. William Harold and Timothy Horan were threatened if they paid Father Lynch's Christmas dues, who was the parish priest at Curranty.

16,368. Was that because they had done something unpopular, or had not done something which would be popular?—The priest was partially boycotted.

16,369. Was that because they had not done something, or were supposed to have done something unpopular in relation to the Land League?—It was because they were suspected of being about to pay him his dues, which others did not.

16,370. You do not follow me?—I do not think it was at all connected with the Land League that.

16,371. You do not think it was in any way?—Yes, I do not think it was.

16,372. I do not know why you were asked about it then?—Those men were threatened if they paid Father Lynch his dues.

16,373. As a matter of fact, your observation on that head—letter threatening with a visit from "Rory of the Hills" if they paid Father Lynch's Christmas dues"—is the notice was not attended to?—No.

16,374. And then I have got "per official minute," the numbers are given, which means the Inspector-General?—His decision upon that point.

16,375. "This case not to be recorded as agrarian, as the motive is only doubtfully connected with agrarianism"—Yes.

16,376. This is December 1881?—I do not know what Father Lynch was boycotted for, but I know he was partially boycotted.

16,377. Now there is one thing I am anxious to ask you about particularly; "21st February 1882, Castleisland. Firing into dwellings, administering illegal oaths, &c. "Daniel McCarthy, farmer, Denis Leonard, ditto"?—That was the very case I was going to bring under your notice a little while ago when you stopped me.

16,378. I am obliged to you. "23rd February 1882 there is an outrage, Meenawlaw?—They made no report of the outrage. I visited the place and saw where a shot was fired through the door of the house, and I came to the conclusion that it was not a genuine outrage.

16,379. I want to know what that means; did that mean that these men had got a story for some purpose or other of their own that they had been fired into, and that

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

illegal oaths had been administered to them?—That was my opinion, and I believe it was Mr. Davis's also, for he visited the place with me.

16,380. I want to know the fact. You did record it as an outrage?—It was reported; the fact was; but I do not think it was recorded as an outrage.

16,381. You put it in the outrage book?—Everything that is reported is put in the outrage book.

16,382. That you have told me again and again; let me ask you if at the time the outrage is reported, or if after it is reported, you come to the conclusion in your own views that it is not a real outrage, but a fabrication; do you not make any observation in this book?—Well, there are observations made opposite those things.

16,383. I put the case to you that you may understand it; here is a case in which you made up your mind the thing is a fabrication?—Yes.

16,384. Do you not, or ought you not, to record the result of your examination under the head of "observations"?—It is not done, except it is not to be recorded by the Inspector-General.

16,385. Therefore, in all the cases in which you come to the conclusion that the outrages were fictitious you make a report of your views to the Inspector-General?—Yes.

16,386. But you do not make any record opposite the entry until the Inspector-General visits?—He has to decide.

16,387. I find here "the Inspector-General directs this case will not be recorded as an outrage." Now the 21st February, I notice these are not in the order of date. I presume they are entered in the order in which these are reported?—Yes; we may not have heard of it for days after the occurrence.

16,388. Now there is another case here I must ask you about. I would be glad if you will give me your opinion about this. It is the 6th of April 1882. "Alleged malicious burning in Eneas Lain, 42." Did you take the report of that?—Mr. Davis visited that.

16,389. It was reported to you also?—Well, I heard it, but I did not visit the place.

16,390. Did you form any opinion about whether that was a genuine case or not?—I did not visit.

16,391. Then you were not called to form an opinion?—No.

16,392. The record is this—I am referring my Lords to the official record—apparently there is some communication: "This case will not be recorded"; that means it is not to be treated as a genuine case?—I believe so.

16,393. We have heard in more than one of these cases as to the machinery by which compensation for malicious injury is obtained, and we have heard that the payments for these injuries are liberal payments. That suggests another cause for them; men who can get from the road sessions, and afterwards from the grand jury, or from the grand jury liberal payment have not been unwilling to have their property injured?—Well certainly I could not say that. I have no knowledge.

16,394. Have cases occurred to you in which you suspected these men had been parties to the injury of their own property with the view to representing them as cases of malicious injury, and so claim compensation?—I never heard of a case of that sort.

16,395. You never did?—No.

16,396. I will call your attention to one in a moment; did you ever suspect a case of that kind?—No.

16,397. Never?—No.

16,398. You thought the cases for malicious injury were all genuine cases?—Yes.

16,399. You did?—I do not remember any case in which a person seeking the compensation was the person who got up the injury himself, as well as I remember now.

16,400. Or have you suspected that in cases, for instance, of burning of hay, injury by fires, arson, that they have claimed as for malicious injury when there was no ground for suggesting the injury was malicious?—I came to the conclusion that the injury you refer to now was an accident, that is Eneas Lean's, but the Constabulary cannot appear at the petty sessions or the road sessions, except they are summoned as witnesses. I daresay if the Constabulary had appeared in this case, that the compensation would not have been awarded.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(The President.) In which case?

(The Witness.) In this case counsel refers to, of Eneas Lean.

16,401. (Sir C. Russell.) What was the date of that case?—The case you referred to, Eneas Lean; I do not know the date.

16,402. But I want to follow it out. Where are the Road Sessions held?—The Road Sessions for Castleisland district are held in Tralee.

16,403. And you were how far from Tralee?—11 miles.

16,404. Do you know whether Eneas Lean got compensation?—I heard he did.

16,405. You know he did, do you not?—I do not know that he did.

16,406. How much did he get?—I could not say how much, something over 100*l.* however. I think it was 160*l.* or 180*l.*, I am not quite sure. I was not at the sessions, but all the cattle that were in his house were burnt, and the house was burnt down.

16,407. We have heard of the case, I think, before, and you came to the conclusion?—That is not the case I referred to in my statement; that is another case. You could not have heard of this until now.

16,408. But in the case of Eneas Lean you came to the conclusion that there was no malicious burning?—Yes, from what I heard I came to the conclusion it was an accident.

16,409. That is the 6th April 1882, and you say that you were powerless to interfere and prevent the cess payer being mulcted?—We had no *locus standi* at all at Presenting Sessions, you could not go in there except you were summoned.

16,410. You said it was accidental?—I believe it was accidental; however, Mr. Davis visited that house and he will be able to tell you all about it.

16,411. I do not know whether you know we have had the sad story of Mr. Herbert's death, and we have had mentioned in connexion with it injury to some lambs actually within his demesne?—Yes.

16,412. Close to his house?—Yes.

16,413. And on the night of the murder?—Yes.

16,414. And at the time that the police were actually in the house and about the demesne?—There were police there that night.

16,415. Was the law at that time this, that there could be no compensation for loss of life unless there was also injury to property?—Oh, no, I think not.

16,416. I am putting it to you?—I do not know that there was any such law in existence; I do not believe there was.

(Mr. Justice A. L. Smith.) What was the date?

(Sir H. James.) The 31st March 1882, my Lord.

16,417. (Sir C. Russell.) Now here is another case, "May 1st, 1882, firing into dwellings. Edmund Walsh, 45, farmer"?—May 1882?

16,418. Yes, May 1st, 1882; did you come to the conclusion that that was a sham?—I must wait until I see it, please. I do not think I visited that house at all.

16,419. I am not sure it is one you have spoken to; I have a note of it; yes, I believe you did?—I do not see it in my list; what was the name of the man?

16,420. Edmund Walsh, I think it is?—Oh, yes, I did visit that.

16,421. What conclusion did you come to about that case?—I just came to the same conclusion about that that I did about Eneas Lean, that it was not a genuine outrage.

16,422. Can you explain at all; you understood they were being put forward as a powerful catalogue of crime without any cause practically; how did it come that you did not state, or were not asked to state, that this was not a genuine outrage?—I gave the list of the outrages that were reported.

16,423. You came to the conclusion that that case was also a sham?—Yes, I believe it was; I believe there was not a man in the district that would fire into his house.

16,424. Was it not a fact that this Edmund Walsh was a prominent member of the League?—He was, and that is one of the principal reasons, I believed it too.

16,425. And, as I understand, it was that that excited your suspicion?—No, it was not that altogether.

16,426. Now, Mr. Herbert's name has been mentioned?—Yes.

16,427. How far did Mr. Herbert live from you; I just catch his name here in reference to another case?—He lived, I suppose, about 4 miles—4½ miles.

16,428. I must ask you candidly to tell the Court, was Mr. Herbert unpopular, or

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

was the ill-feeling of the people towards him in his character of a landlord, or in his character of a magistrate?—I do not think he was much of a landlord at all, he was an agent of property at Knocknabowl, and I know he got into great unpopularity there. On one occasion he could not get a process server to serve the writs, and he went and served them himself. I was protecting him with a party of police. On another occasion at the eviction of Donohoe, I believe, he and Mr. Davis were very nearly being injured; a party followed them.

16,429. That would be, of course, in connexion with his land agency?—Yes.

16,430. But, apart from any unpopularity or ill-will, rightly or wrongly, which was supposed to arise from that, or in that connexion, do you not know that as a magistrate he was greatly disliked?—I do not say that he was, he had a rough sort of manner with him that may not have added to his popularity at all events, if it did not detract from it.

16,431. Have you a remembrance of an occasion of some row in the streets when he complained of the police not *skivering* the people?—This occurred at the Petty Sessions. I was not there, but I heard about it.

16,432. Where?—It occurred at Brosna, and talking of that, last night I made a mistake saying it was Castleisland. I heard Mr. Herbert say or mention the fact at the Castleisland Petty Sessions a time after.

16,433. That was not a kind of feeling or expression to make him popular?—No, certainly it would not.

16,434. Do you recollect? I do not know whether you were there, but if you were there, do you recollect the fact of his ordering the police to fire at Cahill Fair?—No, I was not there.

16,435. Did you hear that?—No, I never heard that he ordered the police to fire, but Mr. Davis was there, and he will be able to tell you about it.

16,436. Did you hear that he had ordered the police to fire, and that the police refused?—No.

(*Sir H. James.*) It is not quite a specific act. If it is to be proved the person who was there would be the person to prove it.

(*Sir C. Russell.*) Very well, I was only asking.

16,437. There is no doubt about what skivering the people would mean, it would mean bayonetting them?—It would mean to cut them up in some way. The occasion I spoke about was a lot of police were protecting the bailiff serving processes, and the bailiff had to retire; not only that, but I believe he had to go back and take up some of the processes which he had posted on the doors serving.

16,438. You have given me one instance about Eneas Lean, did Eneas Lean, having got his 180*l.* or 160*l.*, whatever it was, in May make a second claim?—No.

16,439. Did he not?—I will tell you about that if you will allow me now. That outrage I do not think was recorded there, and I will tell you why.

16,440. You do not think what?—I do not think that outrage was recorded, it was directed not to be recorded as an outrage. His house, as I believe, was burnt accidentally, and it was believed that he injured some cattle, not only that, but that he set fire to his own house to give colour to his claim at the Road Sessions. That was the motive attributed to it at the time, and it was ordered not to be recorded.

16,441. I have no doubt you are correct, but that is not quite what I am asking. I have pointed out already that in May he made a report of one outrage, malicious injury?—That was the burning of his outhouse with the cattle in it.

16,442. I want to call your attention to the fact that on the 5th June he reports another?—His claim for the first would not come on until November.

16,443. You mean the claims would come on together?—There was no claim in that case; he only went for the first claim, and it was the opinion of the police that he either got the thing done or did it himself, to give a colour to his claim at the Road Sessions, and consequently it was not reported as an outrage.

16,444. That is a case which you told me a little while ago you had never known to happen?—Yes, I told you that, and I will tell you now the reason.

16,445. You had forgotten this case?—Yes, it did not occur to me at the time.

16,446. Then you would wish to correct that answer?—I wish to correct it so far.

16,447. You have known cases where men have made claims where no real injury has been inflicted, or where they have inflicted the injury themselves?—There was no

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

claim made in this case at all; he made the claim for the first, but he did not make a claim for any of the subsequent things which he reported.

16,448. I thought you told me that you considered the first was also his own contrivance?—I told you I thought it was an accident, and I believe it was so, and I believe that those things were done to give colour to the first claim, and to show malice, because, except malice is shown at the sessions, compensation will not be granted.

16,449. Upon the 11th June 1882 Castleisland threatening notice to David Hickey, 50, relieving officer?—Yes, that is the notice mentioned here the other day in connexion with Cornelius Hickey.

16,450. That is the reason I want to get it; Hickey was a man who was shot at?—Yes, Cornelius Hickey was, and wounded, and brought in there so as to be near —

16,451. This is the entry: "Notice posted on wall threatening any person who entered Hickey's, so long as Con. Hickey, who was fired at and wounded, was kept there. Official note: Inspector-General directs that this case will not be recorded as an outrage." What was the object of that?—Well, I suppose it was not looked upon as a very important case.

16,452. Just consider, sir, why was it not an important case?—I could not tell you.

16,453. If it was true, was not the ground that the police came to that conclusion, and so reported, that David Hickey, 50, relieving officer, had got this notice posted up?—The notice had no effect in the district, because the man was removed to hospital at once.

16,454. Yes; but it was suggested as an instance of the brutality of the people that he was removed to hospital because the man could not keep him at his house?—Yes, that was the motive.

16,455. Did you, or did you not, come to the conclusion that the notice was posted by David Hickey, relieving officer, or by somebody at his instance?—No, I did not.

16,456. Did you believe it was a genuine notice?—I believed it was a genuine notice, yes.

16,457. Then, if so, why was it not an outrage?—I could not say; Mr. Davis reported it.

16,458. But it was you, yourself, who spoke of the case as reported to you, and you ascribed a motive to it?—Yes, the motive was, the apparent motive was, to have the man removed from the house, and if he were not removed that this man would be boycotted; the man kept a public-house, David Hickey.

16,459. I am pressing you to explain to my Lords, if it was a genuine notice and not a put-up job, why it was not an outrage?—The only explanation I can give is, that it had not any effect when the man was removed at once.

16,460. But was it less an outrage because it had no effect?—Well!

16,461. You know I must remind you what you said when you were examined before, which my friend, Mr. Asgarth, is good enough to point out. It was in examination by Mr. Atkinson. "He was brought in there for the purpose of being attended to by the doctor? (A.) Yes. (Q.) Did you see a notice that was posted upon the house of this publican. (A.) Yes. (Q.) On the night of the day of this wounded man being taken there. (A.) Yes. (Q.) Have you got the notice. (A.) I have not. (Q.) Have you searched for it. (A.) Yes, I have. (Q.) Could you find it. (A.) I could not find it; I left there in 1886, and I left the papers behind me. (Q.) Did you see it posted yourself. (A.) No, I did not see it posted, but it was handed to me by David Hickey." That is David Hickey, the man on whose house it was supposed to be posted?—Yes.

16,462. "What was in it?—(A.) It threatened any person who would enter Hickey's house while Cornelius Hickey was stopping there. (Q.) In consequence of that —" Then I interpose, and the motive is suggested by Mr. Atkinson, "Was the man removed to the hospital? (A.) He was. (Q.) Was it in consequence of this notice. (A.) It was." You mean to convey, do you not, that the effect of the posting of that notice was that this man was removed to the hospital, whereas otherwise he would have been attended in Hickey's house?—I believe only for the notice he would have been attended in Hickey's house, and I heard that David Hickey wanted the man to stop, but Cornelius Hickey would not stop there for fear the notice would have effect on Hickey.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,463-4. What did you mean by saying a moment or two ago that you believed the notice had no effect?—I believe it had not any effect when the man was removed.

16,465. Having told us your view of that matter, do you consider the posting of that notice, if it was a genuine thing, was or was not an outrage?—Well, I believe that it was calculated to affect the man very much.

16,466. Was it an outrage or not?—I could not say; it was to my mind; it was an outrage.

16,467. Do you think it was a very gross outrage, an unfeeling outrage?—It was an unfeeling one any way.

16,468. Now, sir, I must ask you that being so, and the Inspector-General directing that the case was not to be recorded as an outrage, aye or no, was it not because you came to the conclusion that Hickey, or somebody in Hickey's interest, had put up the notice?—I believe it was on account of the notice having no effect.

16,469. Mr. Davis, you say, will speak to it?—Mr. Davis reported it.

16,470. On the 17th of June 1882 "Michael Delane, 35, alleged malicious injury evicted tenant"?—I do not know that case.

16,471. Have you no record of that either?—No, I do not remember; it was one of the cases that I did not attend to.

16,472. Kindly give me that paper you are refreshing your memory by. What is this, may I ask (*the paper was handed to Sir C. Russell*)?—It is a list that I made out from this list, because in this list there is only just the names of one and so many others, and by looking at that list I can tell the names of the other people, who were also either visited or raided.

16,473. Do you mean that is a paper you have made for the purpose of giving your evidence here?—It is a paper I have made from this list.

16,474. You have access, of course, to these books?—Yes.

16,475. And, I presume, you had them before you when you compiled that list?—Yes, I compared the list with them.

16,476. How does it come that you have not in this list that you have followed, and I suppose it is the same that my learned friend has been examining you from, how does it come that you have not taken any note in your proof, or taken for your proof any of these cases of concocted outrage?—I only took down the cases which were reported.

16,477. But there are amongst those cases, cases condemned by your own report as got-up outrages. How does it come that in giving your notes of the evidence you have not thought it fair to include those?—I did not take them down.

16,478. Why?—I cannot say why.

16,479. Was it because you were not asked?—Well, I was not asked, and I just took the copy from the book that was there.

16,480. I ask you, Mr. Huggins, head constable, do you think that was fair to exclude from your account before this Court the cases as to malicious injuries; as to threatening notices; as to firing into dwellings; as cases you would conceive to be got-up outrages?—I simply took the notes of the cases that were reported. I did not take any note of those cases.

16,481. Why not?—I cannot give any explanation why I did not.

16,482. What about Delane?—I do not know anything about Delane's case.

16,483. Do you know what the injury alleged to be done to Delane was?—I do not.

16,484. You were there in June 1882?—I was; but that, I think, is a case which occurred in Brosna.

16,485. No, it did not; it occurred in Toonena?—Yes; that is more on the Knockagashel side.

16,486. That may be so, but are you sure you did not make these entries yourself here?—I did not. I made some entries in the first of the book, not those; I know nothing about this case.

16,487. You cannot tell us then why this was not to be recorded?—I do not know even what happened in the case, or what it is at all.

16,488. Here is a case of the 26th of June 1882; Castleisland, you would know something about; that was an alleged intimidation. Patrick Bradley, 30; Cornelius Donovan, 60; Michael Clifford, 45; Connor, 60; Riley, 40; Crinan, 35; Horgan, 57. It gives a regular batch?—Yes.

16,489. Intimidation; what was that case?—I believe that was a case where people

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

were visited and ordered not to pay rent to Miss Busteed. It is a case that occurred at Carker.

16,490. "Visited and ordered not to pay rent"?—Yes, I think that was it, as well as I remember.

16,491. Was that a genuine complaint or not?—Well, there was a good deal of doubt about it.

16,492. A good deal of doubt about whether it was genuine or not, did you come to the conclusion that it was not?—I did.

16,493. That that was another put-up job, or got-up job?—Yes.

16,494. The 10th of July 1882, "alleged intimidation, Thomas Prenderville, caretaker; Edmund Prenderville, 50, publican, Knockabowl." Is that in your district?—Yes, I remember that case.

16,495. What was that?—This was a farm that was taken by Edmund Prenderville from Thomas, and Thomas was supposed to be connected in getting up the affair himself, the intimidation.

16,496. Was he under police protection?—No.

16,497. Has it come within your experience that men have complained of intimidation and of outrage in order to get police protection, where there was not any real intimidation or outrage?—Well, I know one case, but he only got protection for a few nights by patrols.

16,498. That is one case about which you were satisfied?—Yes.

16,499. That he was shamming?—Yes, but I was not satisfied at the time.

16,500. The 15th of July 1882, "malicious burning, Patrick Connor, farmer"?—Yes, I believe that was an accident.

16,501. He claimed compensation?—I do not remember that he did, I do not think he did.

16,502. What was it burning?—It was the burning of a house, and I may tell you that whenever I went to visit a case of the sort I always told them that if they went for compensation in a case that I believed was not a case for compensation, they would be opposed by the police.

16,503. I thought you told us a little time ago that you had, to use your own classical expression, no *locus standi*?—Neither have we, but nevertheless I used to tell the people where I believed there was a case of accident that I would oppose it.

16,504. A little extra legal interference or advice?—Yes.

16,505. Quite proper. Have you any reason for saying that that was accidental rather than intentional?—Well, from the way the house and the man were circumstanced, I did not believe that it could be malicious.

16,506. I am not talking about malicious injury by anybody else exactly, your statement is that it was not malicious by anybody else. You have said it was accidental. I am asking you whether there was anything in the circumstances of the case to suggest that it was accidental rather than intentional on the part of the owner?—Yes, there was.

16,507. What was it?—Well, the man would not have set fire to his own house, I believe that man would not.

16,508. Why not, if he could come on the county cess for a good liberal compensation?—I do not believe he applied for compensation at all.

16,509. Will you say he did not?—I would not say he did not; I believe he did not.

16,510. (*The President*.) Did not you say that in many cases there were serious informations?—Yes, my Lord.

16,511. Is there anything to indicate the cases in which there were sworn informations?—In any case where compensation had been asked there must be an information sworn within three days after the injury.

(*Sir C. Russell*.) My Lords, I would call your Lordship's attention to this; of course the use of the word "information" in this connection might have a double meaning.

(*The President*.) Swearing is the important thing in my mind.

(*Sir C. Russell*.) Of course information in the police sense would mean information against accused persons, but it might also be taken by a constable to apply to a sworn statement which the claimant had to make if he was seeking for compensation.

(*Sir H. James*.) Mr. Atkinson informs me that is quite so, as Sir Charles Russell says, that within three days after the injury there must be a sworn information.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,512. (*Sir C. Russell.*) But you have no record of anything of that kind in your books?—No.

16,513. The case of information which was recorded would be a case of information by the person against whom an outrage was committed or a witness to the outrage?—Yes.

(*Sir C. Russell.*) My Lords, I would say in the great majority of these cases (your Lordships will see the book) under this head, it is all nil, nil, nil, nil; I do not say it is invariably, but it is in the vast majority of cases.

(*The Witness.*) You could not get people to make informations in these cases.

(*Sir C. Russell.*) The heading is, "If information sworn, before whom and when."

16,514. (*Sir H. James.*) Does that mean that you have no information, or that none has come forward?—No information, or the person would not come forward to give information.

(*The President.*) Still, that is ambiguous.

16,515. (*Sir C. Russell.*) It means what I have said; it says so in terms?—The information in that case is always in writing.

16,516. The heading is, "If information sworn, before whom and when"?—That means an information sworn by the party injured, if they knew anyone or anything connected with it.

16,517. Or an information by a person, if any person witnessed the outrage?—Yes.

16,518. To found a prosecution upon?—Yes, on that information there might be a warrant granted if it was a case in which an arrest could not be made without a warrant.

16,519. Now is Farranfore in your district?—Yes, it was in Castleisland district.

16,520. The 30th July 1882, have you got that. Look in your evidence first to see if there is any entry of this?—No, it is not in my evidence.

16,521. Who was it who took your evidence?—Took a statement from me?

16,522. Aye?—Head Constable Irwin took down my evidence.

16,523. Is that the gentleman whom we have seen frequently in the box?—Yes.

16,524. Took it down in shorthand?—No, in longhand. I held this list in my hand and I dictated to him the outrages that I refer to in my statement.

16,525. But you happened to miss all these which were shams?—How miss them?

16,526. You have no record of them?—They are mentioned in the statement; any outrage I reported or that I knew anything about.

16,527. I have mentioned to you several; is there any note of any of those?—There is no note about the thing not being recorded as an outrage.

16,528. Is there any note about any of these things being recorded as shams; got up?—No.

16,529. This is a case you say you know about: "Michael Fitzgerald, 65, herd, 30th July 1882, Knocknagoshil"?—I know nothing about that case.

16,530. I thought you told me you did?—No.

16,531. This is the observation: A notice threatening him with death if he did not give up herding. Suspect Fitzgerald got up this notice himself in order to get an increase of wages." Then the official note from the Inspector-General: "This case will not be recorded as an outrage." Where was it that Irwin took your evidence?—It was in the "Inns of Court Hotel."

16,532. Irwin does not belong to your county?—No, he does not.

16,533. I think he came from Galway?—He comes from the Constabulary depôt in Dublin.

16,534. Then has he been acting as Mr. Soames' clerk in taking the evidence?—I do not think so; he did it to oblige me; I asked him. It was a long statement, and if I had to go over all the outrages without getting somebody to take it from me I should be a very long time over it.

16,535. Now, the 27th September 1882, Ballybeg; is that in your district?—Yes.

16,536. Here is a batch: "David Nagle, 45; William Buckley, 37; Matthew King, 38; Patrick Brandey, 65; Daniel Murphy, 68." Did you come to the conclusion that was a sham?—Well, there was a good deal of doubt about it.

16,537. Did you come to the conclusion it was a sham?—I believe it was a doubtful case, and I reported so.

16,538. Did you come to the conclusion it was a sham?—I could not say I did.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,539. You strongly believed it was?—Yes, I strongly believed that it was a doubtful case.

16,540. Strongly believed it was a very doubtful case?—A doubtful case, yes.

16,541. Now I want to ask you about some other matters. It is so long since I asked you I may be inaccurate, but I think you said you went to this district in 1881 and remained there till 1886?—I went in December 1880 and remained till July 1886.

16,542. When you went to Castleisland, in December 1880, you had charge of a district, had you?—Yes, I had charge of the district. It was not a district inspector's station then, but it became so a fortnight after from the number of outrages.

16,543. Just explain to my Lord what was the extent of the district?—It was about 11 miles broad by about 26 long. That was when it became a district.

16,544. I mean when it was under you?—Well, it was about 10 miles long and about 4 or 5 broad.

16,545. From 40 to 50 square miles?—Yes.

16,546. What are the places included in it. Tell us the principal places included in it; as regards the perpetration of crime I mean?—There were about, I daresay, 40 or 50 townlands in it.

16,547. Name the places; Castleisland was one?—Castleisland, Kilmurry, Cordall, Clydane, Ballybeg, Farran; about 40 townlands, I think.

16,548. When you went there in December 1880 tell us what branches of the Land League were established, and where?—I do not think there was any branch of the Land League then except Castleisland, as well as I can recollect.

16,549. That accords with what I am told?—There may have been, but I do not know anything about them.

16,550. Did you ascertain that that local branch of the Land League had only recently been established in Castleisland?—I ascertained that it was only established from the 10th or 11th of October, the time of the meeting there.

16,551. One Land League branch established in 1880 when you went there in December 1880. When was the next, and where?—I believe there was one established then or soon after at Brosna. Brosna did not belong to the district then.

16,552. Will you kindly confine yourself to the district of which you have been speaking, the district of which you had charge?—I think that was the only one. Perhaps there was one at Cordal, I am not quite sure, at that time.

16,553. Are you speaking now of the whole of 1881?—Yes.

16,554. Then during the whole of 1881, as far as you are certain, there was one at Castleisland. There may have been one at Cordal, but you are not sure?—Yes.

16,555. That brings us to the end of 1881. You are aware that there was a suppression of the Land League in October 1881?—Yes, I believe so.

16,556. I am not suggesting that Land League meetings did not continue to be held in particular places. Was there in this district that you are speaking of, however, any Land League meeting that you are aware of held after October 1881?—I do not know that there was, except the Ladies' Land League.

16,557. Then it stands thus: one Land League branch about October 1880 in Castleisland, and suppression of the League in October 1881, and no Land League meeting held after that date, except one, you say, the Ladies' Land League?—Yes. The Ladies' Land League was established soon after. I could not say how soon after.

16,558. Where was the Ladies' Land League meeting held?—At Castleisland. There was one near Cordal also, a branch.

16,559. A branch of the Ladies' Land League in Castleisland, and one in Cordal?—Cool or Cordal. It is called by either name.

16,560. You had better keep to the same name?—Cordal.

16,561. You are aware, of course, that under the Act which was then in force there was power of summary arrest for attending meetings?—Yes.

16,562. A power which was put in force?—I do not think there was anyone arrested in Castleisland.

16,563. No, because there were no meetings you have told us?—Yes.

16,564. You are aware also (I shall have to call my Lords' attention to that, of course, hereafter) that under the Act which was then in force, known as Forster's Act, there was power of arresting and putting in prison on what was called "reasonable suspicion"?—Yes.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,565. And the persons who were so put in prison were called suspects?—Yes.

16,566. There were none of those persons so arrested ever brought to trial?—No, I think not.

16,567. No charge ever formulated against any of them which they had the opportunity of meeting?—No, there was not, so far as I remember.

(*Sir H. James.*) You may take it so.

16,568. (*Sir C. Russell.*) How many arrests were made in Castleisland?—I could not exactly tell you, but there were a great many.

16,569. Of course it would not be reasonable to ask you, but how many, or about how many, would you say were arrested in Castleisland?—Well, in Castleisland town, is it?

16,570. Town and neighbourhood?—And district. At all events I am sure there were 20.

16,571. At least?—Oh! there were more, I am sure.

16,572. Then give it to us?—Well, at least there were 20. I could go over them, I suppose.

16,573. If you were to include, not Castleisland merely, but your whole district, how many would you say?—I could not exactly say how many. There were at all events 25, I think, or more. Mr. Davis will be able to tell that.

16,574. It is suggested to me there were more?—There may have been more. I would not like to confine myself to any number.

16,575. Have you got any list of the persons that were so arrested?—Well, I could have it for you at the adjournment. I know it from memory if I could just put them down.

16,576. If you kindly would after the adjournment I should be glad?—Very well.

16,577. Kindly add to it, please, the position in life of these people; what they were?—Yes.

16,578. Now I want to put this general question to you. Taking the 10 months before Forster's Act came into operation, and taking the 10 months after Forster's Act came into operation, which period was the worst for crime and outrage, according to your view?

(*Sir H. James.*) May I ask this? If my friend is speaking of Castleisland generally, at the time he gives, then the witness was not at Castleisland. We will give the statistics of the crime exactly during that period, but he could not know that himself.

(*Sir C. Russell.*) I am trying to get it generally. The witness is quite able to qualify any answer.

(*The President.*) I thought he volunteered and said he would put down the names.

(*Sir H. James.*) Those are the persons who were arrested. My friend's question is now to compare a time previous to the date—it is the 2nd of March 1881—with the date afterwards. This witness never came there before December.

(*The President.*) Yes; I did not appreciate your objection. He had not had experience at that time.

(*Sir C. Russell.*) It is perfectly clear he would not speak from his own knowledge. He is speaking to many things not to his own knowledge. He can correct it hereafter.

(*The President.*) He was not asked any question of this time in examination in chief. You have asked several questions. The objection is he was not there at the time.

(*Sir C. Russell.*) I am aware of that, therefore it would not be from his own information. I will take it another way.

16,579. Take the three months before October 1881, when the League was suppressed, and the three months after October 1881, which was the worse in point of crime?—Well, I do not think there was very much difference. If anything, I think the three months after was the worst.

16,580. It is suggested to me that it was much the worst?—Well, I would not say but it was, and I will give you a reason—the reason I attribute that to. A great many of the outrages then were in consequence——

16,581. I have not asked you that.

(*The Attorney-General.*) Let him answer.

(*Sir C. Russell.*) I shall not object, because I shall ask a question of that kind myself.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,582. Now, can you tell me the twelve months before October 1881 and the twelve months after October 1881?—I could not without referring to the list.

16,583. Have you not a clear impression that the twelve months after was worse than the twelve months before?—I believe it was.

16,584. Much worse?—Yes, it was. There were 40 or 50 reported, I think, more in 1882 than in 1881, at least.

16,585. You will give us this list after the adjournment which you were good enough to say you would give me. May I ask you generally, meanwhile, this question: Were many of the 25 to 30 persons arrested in your district leading men in the district?—There were a few of them, at least.

16,586. I say many?—Not very many.

16,587. A few of them were leading men in the district?—They were. A great many of them were leading, as regards the position they held, I believe, in the Land League.

16,588. That is another question. I will ask you that too. That is also true. I am not comparing them with the social position of landlords and agents at all?—Yes; there were none of those.

16,589. That I quite agree?—There were none of them suspected.

16,590. But, taking the general class of persons arrested, were they not what you would describe as the respectable class of farmers and of shopkeepers, many of them?—Yes, they were.

16,591. And you also say they were persons who took the most leading parts in the Land League organisation?—Yes.

16,592. So that by the operation of these arrests the leading persons in the Land League at Castleisland were removed to prison?—A good many of them.

16,593. I mean a good many of them. Who was the president of the League at Castleisland?—I believe a man named Thomas Moore, a shopkeeper, was president of the League when I went there.

16,594. Was he that when you went there first in December 1880?—I believe he was. I am not certain.

16,595. What was Mr. Moore, do you say?—He was a shopkeeper, a draper.

16,596. Is he a leading shopkeeper in the town?—Yes, he is a well-to-do man.

16,597. Was he arrested?—No.

16,598. He was not?—No.

16,599. I am told you may have mistaken the date, but I am told a Mr. Kenny was?—Mr. Kenny became president after Moore. He was arrested.

16,600. When did he become president?—A short time after.

16,601. What was Mr. Kenny?—He was a poor law guardian and farmer; a good large farmer.

16,602. Was he a considerable farmer?—He was, yes.

16,603. How many acres of land, for instance, would he farm, about?—I daresay close upon 100, if not more. He was a comfortable farmer.

16,604. What you would describe as a comfortable farmer?—Yes.

16,605. Whose tenant was he?—I think he was on Mr. Marshall's property.

16,606. Who was the secretary when you went there in December 1880?—The secretary was Timothy Horan.

16,607. Was he arrested?—No.

16,608. He was not arrested?—No.

16,609. Do you recollect a gentleman of the name of Brosnan?—Yes.

16,610. O'Connor Brosnan, I am told, was his name?—O'Connor Brosnan and his father were both arrested.

16,611. Was not he secretary?—I believe he was secretary or treasurer. He was not secretary at the time.

16,612. Is it not a fact that the father was treasurer and the son secretary?—I cannot say that.

16,613. Were they arrested?—They were both arrested.

16,614. Speaking generally, there may have been some exceptions, but the men who were arrested as suspects remained in prison, the greater number of them, until the spring of 1882?—Yes, I believe they did.

16,615. So that those of them who were arrested as early as October 1881 remained

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

from October 1881 to somewhere about, I think, April or May of 1882?—Yes, I daresay.

16,616. There may have been some exceptions, but that was the general rule. What was Brosnan, the father?—He was a shopkeeper, and had some land too.

16,617. What kind of shop?—A publican and baker.

16,618. And grocer, and so on?—Yes; he also had an extensive lime works.

16,619. A man of some position?—Yes, he was.

16,620. And some means?—Yes.

16,621. Was he a man you would describe as a respectable man. I mean apart from his connexion with the Land League?—Yes, he was. He was looked upon as a respectable man.

16,622. Looked upon as a respectable man, and regarded as a respectable man, by his neighbours?—I daresay he was, but I regarded him as something else.

16,623. The policeman's spectacles did not see him in so favourable a light?—No.

(Adjourned for a short time.)

(The witness.) Here is the list (*handed to Sir C. Russell*).

16,623a. (*Sir C. Russell*.) Oh! this is the list, is it?—Yes.

(*Sir H. James*.) It is in the return.

16,624. (*Sir C. Russell*.) I will hand this list to your Lordships so that you need not take the trouble to take it down?—I merely wrote that from memory. I do not think there were any more. There were two of those men arrested twice.

16,625. When I come to that you will tell me. The first is P. D. Kinney, farmer, Ballymacadam; Terence Brosnan, shopkeeper, &c., Castleisland?—Yes.

16,626. That is a gentleman, I am told, of 65 or 70 years of age?—He is an old man.

16,627. As to whom you intimated—I will not observe upon it now—that your opinion of him was not the opinion of his neighbours?—Yes, that is so.

16,628. Timothy Brosnan, shopkeeper; that is the son, I think you said?—Yes.

16,629. Is he a shopkeeper or is he simply at work?—He is a son of that man, and lived in the same house.

16,630. Edmund Walsh, farmer's son, Balligree; Cornelius Hussey, farmer's son, Balligree; Bartholomew Hussey, farmer's son, Balligree; William Quinlan, farmer's son, Farran; Patrick Quinlan, farmer's son, Farran; Laurence Quinlan, farmer's son, Farran; John Bourke, farmer, Cordel?—Bourke and Laurence Quinlan, of Cordel, were both arrested twice.

16,631. Can you give me the date of the first arrest of Quinlan?—I cannot; it was one of the early ones.

16,632. That would be about October?—Yes.

16,633. What was the second arrest?—I could not say.

16,634. Was it in the following March?—I would not be positive; some time in the spring.

16,635. I am told I am wrong in saying that; the arrests were not in October; I am told they were in March?—I could not give the date of the arrest.

16,636. And John Burke, you cannot give the date either?—No.

16,637. Those are the two that were arrested?—Yes.

16,638. Those are both farmers?—Burke, of Cordel, and Quinlan, of Farran.

16,639. Daniel Killigher, farmer, Cordel; Daniel Connell, farm labourer, Cordel; Jeremiah Leary, farmer, Cordel; Jeremiah McMahon, farmer's son, Bushmount; Michael Carrol, shopkeeper, Brosna. Is Brosna a town or a village?—A village.

16,640. Murphy, you do not recollect his other name?—I do not recollect it.

16,641. Farmer's son, Brosna?—Yes.

16,642. Timothy Carrol, a school teacher, Brosna; Edmund O'Connell, farmer's son?—Gartroe.

16,643. Thomas Walsh, shoemaker, Gartroe?—Yes.

16,644. Timothy Carrol, the school teacher, you mean; he was a National school teacher?—Yes.

16,645. That is 18, I think?—I think 19.

16,646. Yes, there is one with no Christian name?—I thought there was 20.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,647. Nineteen, your are accurate. You have given me a general description of these men as regards this part of the case. We have parliamentary returns which we can refer to, and which I will not now trouble the witness by going into the details about, but the result of these arrests were, that those who were responsible heads of the local branch of the League were removed to prison?—Some of them, yes.

16,648. There is in your list two men who were presidents?—No.

16,649. One man who was president and treasurer, and the secretary Timothy Brosnan?—I do not believe—I was not aware—that Timothy Brosnan was secretary.

16,650. I think you did tell me he was at one time. H. Oran was secretary at one time, and Timothy Brosnan another, the son of Terluce.

16,651. (*The President.*) I thought H. Oran was not arrested?—H. Oran was not.

16,652. (*Sir C. Russell.*) He is not in this list?—No.

16,653. But you said, and I think I may take it, it was the fact that Brosnan had been secretary at one time?—Not to my knowledge that he was secretary to the National League, he may have been at a later date to the League. I do not know, but if he was, I am not aware of it.

16,654. The treasurer and secretary of the League were arrested?—Yes.

16,655. Do you know whether the remaining 17 names in your list of 19 were, all of them or any of them, members of the committee?—Well, it was proved that Jeremiah Leahy was secretary to the Fieres branch.

16,656. You do not follow my question. Were any of these other 17 names members of the committee of the Castleisland branch of the Land League?—I think Terence Brosnan was a member of the committee.

16,657. Well, he was treasurer—of course he would be?—I did not know that he was treasurer.

16,658. I am asking you for the others, you made some reference to Fieres?—Yes.

16,659. There was no branch of the Land League in Fieres?—There was, yes.

16,660. Is that in your district?—It was in Castleisland district.

16,661. Then I am afraid I must say you have misled us. I think you will find I am right. You told us you know that Castleisland district was enlarged?—Yes.

16,662. So as to form a district?—Yes.

16,663. And you also told us at the time you were, there in charge the early part, about which we had been asking, that it had not then been made an enlarged district?—It was not till a fortnight after I went there. A fortnight after I went there it was made a district of—

16,664. I asked you if you recollect what Land League branches there were, and I gave you definite dates up to October, and you told me there was in Castleisland, and you were not there, but you thought there might have been one or was one at Brosna, in Cordel?—Yes, in Coom, I did, but that only referred to the sub-district of Castleisland, not to the district at large.

16,665. I was asking about the district you had charge of yourself?—Yes, there was only two in the part I had charge of myself.

16,666. That district you told us was 40 to 45 square miles?—Not quite so much.

16,667. You said, I think, if I am not wrong, 10 miles long, by 4 or 5 broad?—Yes, about that.

16,668. Now I have asked you all I want to know for the moment about the Land League. When was it first established in, I will take for this purpose, your enlarged district?—The 24th December 1880.

16,669. Oblige me by listening to the question. When was there first established a branch of the National League?—I could not tell you the date, but it was—

16,670. About the date?—About some short time after the suppression of the Land League.

16,671. Tell me about the date?—Well, I could not be accurate about the date.

16,672. Tell me the year?—I think it was in 1882.

16,673. You think the first branch of the National League in your enlarged district was in 1882?—It was some time after the Ladies' Land League.

16,674. Am I to take it it was in 1882?—I could not be accurate as to the date, I do not remember.

16,675. Do you believe it was 1882?—1882 or the beginning of 1883.

16,676. Where was it established?—It was established in Castleisland,

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,677. Any other branch of the National League in your district, in the enlarged district?—Yes.

16,678. Where?—There was a branch at Fieres.

16,679. When?—Oh, I think about the same time as the other.

16,680. 1882 or 1883?—Yes.

16,681. Any other?—There was a branch at Brosna.

16,682. When, the same time?—Something about the same time, and a branch at Knocknagashel.

16,683. About the same time?—Yes.

16,684. Knocknagashel?—I think so; in or about the same time.

16,685. Now, are those all the branches in the enlarged Castleisland district that you are aware of, or can speak of?—I think so. I am not quite sure whether it was at Kerry or not; there was a Land League meeting there. I think there was at Kerry.

16,686. I put it to you, will you undertake to say that there was any branch of the National League established in Castleisland before 1885?—I do not undertake to say; I do not know the dates; I do not remember the dates.

16,687. You would not undertake to say?—No.

16,688. Will you undertake to say there was any branch of the National League established in any part of the enlarged Castleisland district before the end of 1885?—I could not tell you, I could not remember the date, nor I do not know.

16,689. You have served the greater part of your service in the force in Cork and in Kerry?—Yes.

16,690. Have you become aware of the existence of secret societies in Kerry?—No, not to my knowledge, I did not see any secret society in Kerry, except these moonlighters, and I believe them to be part and parcel of the National League and Land League.

16,691. Did I ask you that, I do not object to your giving it because it is valuable. Did I ask you that?—No, you did not.

16,692. Then why did you give that answer to my question?—Because I do not believe there was any other secret society existed.

16,693. Did you think that was a damaging thing to say?—I did not think whether it was or not.

16,694. Will you swear you did not weigh, in giving that which was no answer to my question, whether in your opinion it was a damaging statement or not to make?—You asked me about the secret societies.

16,695. Do you mean to tell the jury —

(*Sir H. James.*) This is not before a jury.

16,696. (*Sir C. Russell.*) My impression is not so very inaccurate either, my Lords are judge and jury. Do you mean to say when you answered me a moment ago you did not convey to the judge—I mean——

16,697. That you deliberately and intentionally put upon me an answer which I did not ask you for, and which you believed to be injurious?—No.

16,698. That is your statement?—Yes, that is my statement.

16,699. On your oath?—Yes.

16,700. How long had you heard of the existence of moonlighters?—Well, since I went to the district in December 1880.

16,701. I am talking of Kerry generally?—Yes.

16,702. You swear you never heard of that before?—Never.

16,703. And never heard of any secret societies in Kerry before?—I never heard of any secret societies in Kerry except those.

16,704. Except the moonlighters?—Yes.

16,705. You never heard of the moonlighters until you went to Castleisland?—No, never.

16,706. That is what you have sworn?—Well, I saw it in the paper before I went there a short time, but I never heard the name used except in connexion with those raids that were perpetrated through the country at that time.

16,707. Let me be very clear about this. You never heard the name moonlighter used before 1880?—Never before 1880.

16,708. Never?—Never.

16,709. Either in Cork or in Kerry?—Neither in Cork or in Kerry.

16,710. And never heard of the existence of secret societies in Cork or in Kerry before 1880?—I did in Cork, but not in Kerry.

13 Nov. 1888.]

DAVID GEORGE HUGGINS.]

[Continued.]

- 16,711. You did hear of secret societies in Cork?—Yes.
 16,712. What were their names?—The Fenian Society.
 16,713. Any other?—I did not hear of any other secret society in Cork.
 16,714. Think, Mr. Huggins?—Not in Cork.
 16,715. Where else?—Well, I heard of Whiteboy offences in Cork, and Molly Maguire's in Leitrim, and societies of that kind.
 16,716. But only the Fenians in Cork?—The Fenians in Cork.
 16,717. You never heard of any Ribbon Society?—I did not hear of any Ribbon Society in Cork.
 16,718. Nor Kerry?—Nor Kerry.
 16,719. Your experience being principally in Cork and Kerry, I may take it?—Well, I did not——
 16,720. Attend: your experience being in Cork and Kerry you wish to convey that except the Fenian Society you heard of, no secret society in either Cork or Kerry before 1880, is that your evidence?—That is my evidence.
 16,721. I forget the date when you told us you entered the police force?—I entered the police force in July 1861.
 16,722. July 1861?—Yes.
 16,723. Were you during the Fenian period of 1865, 1866, and 1867 in Cork?—Yes.
 16,724. Do I understand you then to say that the only secret society that you speak of from official information is these moonlighters which you say were part and parcel. I think that was your expression of the Land League?—Well, seeing the members of what I considered that secret society attended their meetings, that was what led me to believe that.
 16,725. Did you ever report the Land League, or anybody in connexion with the Land League, for a secret society?—I did not report it as a secret society.
 16,726. Why did not you, sir?—I attributed the acts above to this society, and this society I believed to be——
 16,727. Did you ever report to your superiors verbally or in writing that the moonlighters were a secret society and a branch, and in connexion with the Land League?—I did not.

Cross-examined by Mr. R. T. REID.

- 16,728. You have given a list of outrages, and of information connected with it to Sir Henry James?—Yes.
 16,729. And, as I understand, one source of your information is this book, is that so?—The source of my information with regard to the outrage, and the date of it, is that book, but I did not mention outrages that I had not visited and inquired into myself.
 16,730. Pray confine yourself to answering my question. One source of information is this book, is that so?—Yes.
 16,731. Is there another book kept at the office which is another source of your information?—I did not refer to that book.
 16,732. First of all, is there another book?—There is a book in which the report of all outrages are made.
 16,733. That is the only other book relating to outrages?—Yes.
 16,734. And you have not referred to that yourself?—No.
 16,735. Now yesterday you stated that upon the 13th February 1881, I am taking this as a sample case, the house of William Saunders, at a place called Carter, was visited by an armed disguised party, who demanded admittance in the name of the Land League?—Yes.
 16,736. Where did you get that information from that they demanded admittance in the name of the Land League?—I got it from the persons in the house, Miss Saunders.
 16,737. Did you make any note of it?—Yes, that is reported.
 16,738. Where?—In the report of the outrage.
 16,739. Is that in the other book?—It would be.
 16,740. Is that in the other book?—Yes, it is.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,741. I thought you said you had not consulted that book; you got the information, you say, from Miss Saunders herself?—The report of all outrages are made, and they are kept in this letter book.

16,742. In which letter book?—The letter book which is kept at each station.

16,743. Is that a third book or the other book to which you are referring?—The other book to which I am referring.

(*Mr. Lockwood.*) We shall see that book?

(*Sir H. James.*) Yes, it will be here on Tuesday morning; it has been sent for.

16,744. (*Mr. Reid.*) Am I to understand that in these cases in which you have given information as to these outrages, and which information does not appear in this book, that we shall find it in that other book?—Yes, as a rule.

16,745. You have no other source of information?—No, except from my own memory of the facts.

16,746. Have you any record of what you say is your own memory?—No, I have none.

16,747. As far as record is concerned, there is nothing except these two books?—No.

16,748. The same observation will apply to different parts of your evidence, but you having said that I will not trouble you further?—Yes.

16,749. Now, Sir Charles Russell did not ask you, but I intend to ask you this: What do you say was the reason for the increase of crime after October 1881?—I believe it was a sort of retaliation for the arrest of those persons who were arrested under the Act as suspects.

16,750. Did not the suspects begin to get arrested in the month of March 1881?—Yes, I believe it was about that date. I do not know about the dates.

16,751. Sir Charles Russell has asked you some questions about secret societies, and therefore I do not think I need pursue that topic, but do you believe the crimes in Kerry since 1879 and 1880 have in no case been due to secret societies?—I do not believe they have, except that there may be some cases. There may be some cases.

16,752. Let me see, do you say, or do you not, that any of the crimes, in your judgment, have been due to the action of secret societies?—I would not say that they have.

16,753. Will you say that in your judgment that they have not?—My opinion is that they have not.

16,754. Do you say that many of them have not been due to private malice?—Well, there may be some of them.

16,755. Do you believe that many of them have been due to private malice?—There may—there may—I would not say there are not. There are some.

16,756. Or of family quarrels?—Well, yes.

16,757. Now you have said to Sir Charles Russell that some of these claims were bogus claims—sham claims. Did you communicate that to any on behalf of the *Times* newspaper?—I did not.

16,758. You did not?—No.

16,759. Why not?—I just took the record of the book as I found it. I did not go into all the details of the number of outrages that were reported.

16,760. Did not you think it was material to state to those gentlemen that there were a considerable number of crimes in Kerry since 1880 which you believed to be sham crimes?—Well, I have not referred to these crimes except one or two of them.

16,761. You have stated that moonlighters were in your opinion a branch of the Land League and the National League?—I believe they were.

16,762. Will you give me the grounds for that opinion now?—Well, the ground of that opinion is that until the establishment of the Land League in Castleisland it was a peaceable district, and no outrages occurred there.

16,763. Is that your sole reason?—That is one of the reasons.

16,764. Give me any other?—The other reason is, seeing those men that were suspected of committing those outrages at land meetings and attending.

16,765. The men attending?—Attending the Land League meetings in the locality.

16,766. The men—give me the names if you please.

16,767. (*Sir C. Russell.*) How many?—Well, there are a great many in Castleisland.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,768. (*Mr. Reid.*) Give me the names of a few—the principal ones?—I believe that every one of those men that I have given you there are connected more or less with the commission of outrage in the district, and a great many more.

16,769. Just let me see, you say you believe that they are connected with the commission of crime?—Not directly, but by prompting the commission of outrage.

16,770. “Prompting”; what is your evidence of that? Give me any piece of evidence you have of that?—I will tell you a case that occurred yesterday.

(*Sir C. Russell.*) We do not want a case of yesterday.

(*Sir Henry James.*) Yes, let him give it.

16,771. (*Mr. Reid.*) Before you say that, was your opinion formed yesterday?—No.

16,772. Then before we come to yesterday, I would like you to give me some evidence of the years we have been speaking of?—Well, in 1881 Michael Downey, of Cloyton, his ears were cut by an armed and disguised party, and shot was fired in his house. That man stated to me that he was warned by a member of the League.

16,773. Did he tell you the name?—He did.

16,774. Give me the name?—Well, I would rather not give it.

16,775. I would rather you did?—I will give you the name; the man's name was Maurice Murphy. He stated to me he was warned by this man not to serve the writs that he then had for service; he stated he was told by Maurice Murphy to go to Terry Brosnan and tell him that he had returned the writs. That man's name is down there. He was afraid to bring him the writs, and he left them with me in the barrack, and that very night his house was attacked and outraged in the way I have described.

16,776. You inferred from that Maurice Murphy was one of the persons who committed the outrage?—No, I did not. I inferred from that if the man had gone to Terry Brosnan and told him he had returned the writs, that he would not have been outraged.

16,777. That is not quite what I am asking. It is not an answer to my question. My question is give me the evidence that connects the Land League with outrage. Did you infer from that statement that this Maurice Murphy —?—I inferred from that statement that Terry Brosnan could have prevented the outrage, and would have prevented the outrage, had the man reported to him that he had returned the writs.

16,778. That is the inference you drew from that?—Yes.

16,779. Now, let me ask you for another piece of evidence, another occurrence if you please?—Well, there are others, but I do not remember them now.

16,780. Just let us see; I do not want to hurry you. You charge that these moonlighters, these outrages are part and parcel of the Land League. I want to know your grounds for that, and give me any other piece of evidence you have?—Well, on nearly every occasion on which I heard people, members of the Land League, speak of meetings, I heard landlords and bailiffs, and men who had taken evicted farms, denounced by those men; and I believe that they made the men unpopular in the district and caused a great many outrages, as nearly all the murders committed were bailiffs, or men who had either paid their rent or been in charge of evicted farms.

16,781. Is that in your mind evidence that the Land League or the National League promoted or instigated crimes?—It is.

16,782. That is what you regard as evidence?—That is my opinion.

16,783. Is there any other ground?—Well, I do not know that there is.

16,784. Now, let me ask you; you have been, I suppose, in intimate knowledge for seven or eight years of all the private information brought to the police?—No; I have not.

16,785. Well, have you not been at the head of the police;—No; Mr. Davis was at the head of that district.

16,786. You were in a high position?—I was; I heard a good deal.

16,787. You heard a good deal?—I heard a good deal of anything that was going on in the way of information, but there was very little.

16,788. Are you able, beyond what you have stated to give me any evidence whatever of any kind against the Land League as being connected with the party?—No; I am not.

Cross-examined by Mr. LOCKWOOD.

16,789. I want to ask you about this book too. This book, I see, begins on the 1st December 1880?—Yes.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,790. Where is the book before this?—Well, I told Sir Charles Russell that that book only dated from the time that it became a district; the other attached to the Island before that book that was attached to the Tralee district.

16,791. I did not know that my learned friend Sir Charles Russell had asked you that. How long have you been engaged in getting up the case for the "Times?"

(*Sir H. James.*) I must object to this.

(*The Witness.*) I have not been engaged.

(*Sir H. James.*) I must object to that.

(*The President.*) He has given an account of how he has been brought into the case.

(*Sir C. Russell.*) That there shall be no mistake about this, we charge deliberately, and we shall endeavour to make it good in evidence, that the whole of the Government authority represented by the police, and even by some of the resident magistrates, has been employed in getting up the case of the "Times."

(*Sir H. James.*) That is not my object. My learned friend has a perfect right to make that assertion if he likes, and to attempt to prove it, but my objection is to Mr. Lockwood, without having raised the foundation for so doing, saying to this witness, "How long have you been engaged in getting up the case for the 'Times'?" At present there is no proof whatever of it.

(*Mr. Lockwood.*) I will not ask you that, if my learned friend objects. If the man has not been engaged in getting up the case for the "Times" he can say so; but do not let my learned friend misunderstand me. I am perfectly free to ask the question.

(*Sir H. James.*) I object to this being put.

(*Mr. Lockwood.*) I will not argue it with you.

16,792. Tell me this: when were you first employed by the "Times"?—I was not employed by the "Times" at all.

(*Sir H. James.*) My Lord, I will object to this question. I say that counsel has no right to say to a witness, for instance, "When did you murder A.B.?" unless they give some foundation for saying so. When my learned friend says, "How long have you been employed in getting up the case for the 'Times'?" that is a question, I submit, he has no right to put.

(*Sir C. Russell.*) May I remind your Lordship what the witness has admitted, namely, that from the Crown prosecutor in Ireland, from the Crown solicitor, he got a communication asking him whether he will dispense with personal service of a subpoena.

(*Sir H. James.*) Not *qua* Crown solicitor; he does private practice.

(*Sir C. Russell.*) We will hear about that later; that may be, or it may not be, but what we know is that this gentleman has produced from the records of the office these various documents which have been put before him, and of which we have got no copy, and he has had his evidence taken by some person representing the "Times." He has said so, and he has said that he went down to Castleisland, not being then in the district, in order to refresh his recollection of this matter.

(*Sir H. James.*) He has not got up the case for the "Times."

(*The President.*) I hoped Mr. Lockwood had abandoned that form of question. Of course I do not consider that he is entitled to put it, and to assume that the witness has been employed by the "Times," however he has now abandoned it, and therefore the matter will be allowed to pass.

16,793. (*Mr. Lockwood.*) He was employed?—No one has employed me; I got, as I told you, the subpoena from Mr. Bolton; he asked me to give a statement.

(*Mr. Justice A. L. Smith.*) I may say a word here. I think we had all of this hours ago. I only wish to make that remark. With regard to myself, I have heard all this two hours ago. Of course, you can go over the ground again. I thought your side was complaining of the length to which the case was dragging. Go on.

(*Mr. Lockwood.*) I can only say if we had it two hours ago it is rather strange my learned friend Sir Henry James did not take his objection two hours ago.

(*Mr. Justice A. L. Smith.*) The question was not put.

(*The President.*) The question was not put in that form; the facts were got out.

16,794. (*Mr. Lockwood.*) Who has employed you?—No one has employed me. I got a subpoena. I wrote to Mr. Bolton, telling him I would accept service, as he asked, by post. I told him that I could not give any accurate information about the crimes that were committed in Castleisland.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,795. Do not, please, put upon me a long conversation with Mr. Bolton, but answer my question. How long have you been engaged in getting up evidence, either for the purpose of giving it yourself or for the purpose of other persons giving it?—I have not been engaged. I went to Castleisland for that trial, and I did not stir those things since.

16,796. When?—At the time of the O'Donnell trial. I wrote to Mr. Bolton as I tell you.

16,797. When did you come over to London?—I came over on the first of this month.

16,798. The 1st of November?—The 1st of November.

(*The President.*) We have had all this before.

(*Mr. Lockwood.*) I will at once fall in with your Lordship's suggestion, if your Lordships wish. There is one point I wanted to get, if I could. I will come to the question at once. I want to ascertain this.

16,799. Do I understand that during the time that you, and so far as you know these other police constables and inspectors, are here in London you are receiving your Government pay?—Yes, my pay is going on, of course.

16,800. And are you, in addition, receiving money from the "Times" newspaper?—I have not got any moneys from the "Times" newspaper since I came to London.

16,801. Who found the money for you to come over here?—I got 5*l.* with the subpoena or after I arrived here.

16,802. Is that all you have had?—That is all I have had. I was paid my expenses in the other case the same as anyone else.

16,803. Now I want to ask you with regard to what you have said as to Mr. Shehan, one of the Irish members. You have spoken of a speech that he made?—Yes, he spoke at Gneeveguilla.

16,804. Where is Mr. Shehan now?—Well, I saw that he was arrested. I do not know where he is now.

16,805. I suppose you have a pretty good idea where he is?—No; I saw also that he was liberated on bail, and I have not read anything about the case since.

(*Mr. Lockwood.*) I am very anxious not to go over any ground which has been gone over before, but this has not been touched upon, I think, by either of my learned friends.

16,806. You say in this note you have got ——?—It was Dr. Moriarty made that speech.

(*Mr. Lockwood.*) My Lord I have got here the document which this witness produced. I will read from it before I put a question to him. "Dr. Moriarty announced "himself an ardent admirer and follower of James Stephens. He also stated that he "was well acquainted with all the leaders of the Fenian movement."

16,807. Did you hear him say that?—Yes.

16,808. Did you furnish this account to any person as to what Dr. Moriarty said at Knocknagoshil "was intimately acquainted with all the great nationalists of England, "Scotland, and America, and was an ardent follower of that great man James "Stephens, and would always remain a follower of his." Is that a report of the speech that you furnished at any time?—No, it is a report, I think, furnished by Sergeant Hourican.

(*Sir H. James.*) The two names are given.

(*Mr. Lockwood.*) I can read that.

(*Sir H. James.*) I did not think you saw it.

16,809. (*Mr. Lockwood.*) Your recollection was, he said he was acquainted with the leaders of the Fenian movement?—That is my recollection.

16,810. But you are not responsible for the other?—No.

16,811. Mr. Shehan denounced outrage, did he not, at that meeting?—I do not remember.

16,812. Just think?—I did not take any note of any speech that was delivered there, except Dr. Moriarty's.

16,813. Did not Mr. Shehan denounce outrage at that meeting?—I cannot say whether he did; I cannot say one way or the other.

16,814. You cannot say whether he did or not?—No.

16,815. Did you provide this report of Mr. Shehan's speech?—No, I did not.

16,816. (*Sir H. James.*) He said he did not?—I did not furnish any report of a speech.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(*The President.*) There was another man present.

(*Mr. Lockwood.*) He was asked.

(*The President.*) Yes, he said there was another man, Hourican.

16,817. (*Mr. Lockwood.*) That is as to Moriarty's speech?—Hourican was appointed to take notes at that meeting.

16,818. Is Hourican here?—He is.

Cross-examined by Mr. DAVITT.

16,819. You know a large number of Leaguers, I presume?—Yes, I do.

16,820. How many Land Leagues did you arrest for being members of a secret society?—I did not arrest any Land Leaguers.

16,821. You did not?—Those were arrested for being suspected of being concerned in—

16,822. That is not the question. How many Land Leaguers did you arrest for being members of a secret society?—I believe those were nearly all Land Leaguers.

16,823. Were they arrested for being members of a secret society?—No.

16,824. Did you charge them with being members of a secret society?—No, there was not any specific charge against them.

16,825. Is not membership of a secret society considered a serious offence against the law?—Yes, it is.

16,826. Then if you knew so many Leaguers to be members of a secret society why did you not arrest them?—A man might be a member of a secret society and do nothing to bring him within the power of the law.

16,827. I asked you if you did not consider membership of a secret society to be a serious offence against the law?—Oh, I do not think it is.

16,828. You do not think it is?—I do not think it is. So long as a man keeps from crime I do not think he can be interfered with.

16,829. He may be a member of a secret society?—Yes.

16,830. No matter what his object is?—Except his object is to upset the Government.

16,831. If his object was to murder people you would not arrest him on suspicion?—No.

16,832. You would not?—No.

16,833. You would not try to proceed against such a conspiracy?—I would if I could get information, but conspiracy for murder is not a case in which you can arrest without a warrant.

16,834. Now, with reference to the threatening letters. A great number of those outrages that you have testified about consisted in threatening letters and notices?—There were a good many.

16,835. I suppose you have noticed that the phraseology is about the same in the whole of them?—Well, some of them are worse than others.

16,836. There is not much difference. There is a strong family resemblance?—Yes, there is.

16,837. In the diction, and all that sort of thing. What steps did you take to find the authors of those cowardly threatening notices?—We did all we could to bring the parties to justice, but we could not get any information about them.

16,838. What steps did you take to find information?—In some instances I obtained specimens of handwriting, and the case was not considered strong enough.

16,839. Are you familiar with the handwriting of many Land Leaguers in Castle-island?—Yes, I know some of them.

16,840. Did you compare the threatening notices with such handwriting?—I did in some cases.

16,841. And you did not find any resemblance?—In some cases I almost knew who were the writers, but it could not be proved.

16,842. You almost knew?—It could not be proved.

16,843. That is inconsistent. If you almost knew who the authors were, why could not it be proved?—Well, the handwriting was so disguised that I do not think any jury would convict in the case.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,844. But experts would discover the connexion. Did you consult any expert?—I did not think a jury, I do not still think any jury, would convict in the cases I had.

16,845. It is not your duty to anticipate what a jury will do, is it?—Oh, yes it is.

16,846. Then if you think a jury will not convict, you take no further steps to bring persons suspected to justice?—The magistrates would very likely not return the case for trial at all.

16,847. Did you charge any Land Leaguer with writing any of these threatening notices?—I did not.

Re-examined by Sir H. JAMES.

16,848. You were asked first by my friend as to the meeting of January 6th, 1886. Did you see Mr. Edward Harrington at that meeting?—I saw him at that meeting and heard him speak.

16,849. Of course then, when he was speaking, he was on the platform?—Yes.

16,850. Did you see him at other parts of the meeting besides on the platform?—Yes, I saw him in the crowd part of the time, moving round near the platform.

16,851. Was he or was he not taking an active part at the meeting?—Oh, yes, he was.

16,852. As far as you know was he present when Dr. Moriarty spoke?—My recollection of it is that he was, but I would not be positive.

16,853. Now, there were other persons on the platform, of course, besides Mr. Harrington?—Yes, the Rev. Father Casey was there.

16,854. When Dr. Moriarty spoke, as you have sworn he has spoken, did you hear anyone dissent from what he said?—No, not one.

16,855. Now, you have told my learned friend Sir Charles Russell that in the period you were at Castleisland, from the 4th of December 1880 to July 1886, you think there were some 20 sham outrages. In any one of those cases of sham outrages was any person ever injured?—No.

16,856. Of course, in many of the others you have given us persons were injured?—Yes.

16,857. Now, did you do your very best to discover whether the outrages that came before your notice were real or sham?—Yes, in every case. Every possible inquiry was made into the outrages.

16,858. Was such information as you obtained placed before the head official; I think the Inspector-General, is not it?—Yes.

16,859. Was that so?—Yes.

16,860. Were the papers ever returned to you for further inquiry?—Yes, frequently.

16,861. What do you suggest was the motive of the shamou trages?—In some cases—now that is one that I referred to—firing into the house of Lenihan. I believe that was got up just with a view to give him an excuse for not paying his rent.

16,862. To your knowledge was any successful claim ever made for compensation in the case of these sham outrages?—Oh, no.

16,863. I will ask you a little more about that in a moment. To your knowledge would any case be reported so as to appear in a return as a real outrage when it was a sham outrage?—No, because the full circumstances of the case were reported in the first instance, and the district inspector had then to write to know whether it would be classed as an outrage or not, and the description of outrage in which it would be classed.

16,864. So far as parliamentary return is concerned it would be the return of real outrage and not sham outrage that would eventually appear?—Yes.

16,865. As far as you know has every care been taken to return only the real outrage?—Only the real outrage.

16,866. My friend has mentioned and pointed out to you that in all this list of outrages you have given, mentioning several hundreds, I think, two were what you would call sham or unfounded outrages?—Yes.

16,867. Was it your intention to place before the Court the real outrages only?—It was, to be sure.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,868. My friend has also asked you whether you did not prove before the Court the sham outrages?

(*Sir C. Russell.*) That it not what I asked him at all.

(*Sir H. James.*) The contradiction is a little more strong in its terms than I think is right, but I think my friend said, Why did you not tell the Court to-day of these sham outrages?

(*Sir C. Russell.*) Yes, certainly.

16,869. (*Sir H. James.*) My friend asked you why did you not tell the Court to-day of these sham outrages? That is what I ask in the first instance, was it because you desired to give the real outrages?—Yes.

16,870. Was it with that intention you gave your evidence to-day?—Yes, I would not do otherwise than the book.

16,871. The book was before you and produced in Court, and these entries were before my friend?—Yes.

16,872. As to the claims for compensation, I think they go before the Road Sessions first?—Yes; the Presentment Sessions it is called.

16,873. There is a sworn information there?—The magistrates and a certain number of cesspayers —

16,874. Is there a sworn information made by the person claiming?—Three days after the injury it must be made.

16,875. Before they go to the Presentment Sessions?—Yes.

16,876. Then you go from the Presentment Sessions to the grand jury?—Yes.

16,877. Then there is an appeal from the grand jury to the assizes with, if ordered, a trial before a petty jury?—Yes.

16,878. Can the ratepayers appear and oppose in their own interest the payment of that compensation?—Part of the persons who allot the compensation in the first instance are ratepayers of the district.

16,879. That is at the Presentment Sessions?—Yes; there may be two or three votes on the amount awarded. One man may suggest a certain amount; another may move that it be reduced by so much, and eventually the amount is fixed in that way.

16,880. Do the ratepayers appear ever represented by legal persons and oppose?—Almost invariably; whenever there is any doubt about the claim.

16,881. And the witnesses are cross-examined and witnesses called to reply?—Yes.

16,882. The police have no *locus standi*; but are you called sometimes as witnesses?—Yes.

16,883. I do not know whether you mentioned one, but was there any case where in your opinion compensation was given where the outrage was a sham one?—I would not say it was a sham one, being an accidental outrage.

16,884. But not a malicious injury?—Yes.

16,885. In all your experience is that the only one you know of?—Well, that is the only one I remember now, anyway. That is Eneas Lain's; and there was another house burnt which to my mind was very doubtful too, but it was an accident.

16,886. My friends have asked you whether you knew of raids for arms before this period we are speaking of of 1880. The raids for arms which have occurred since 1880 I understand to have been raids for arms at night?—Yes.

16,887. What was the period you were speaking of when you said when the Fenians rose?—About 1867; from 1865 to 1867.

16,888. That was almost an outbreak?—Yes.

16,889. We know the particulars. There were some takings of arms then by the Fenians for the purpose of being used?—Yes, in broad daylight, about 9 o'clock.

16,890. Did that occur at night or in broad daylight?—The raid was in the morning, about 9 o'clock.

16,891. The only other instance my friend gave was the tradesman's shop, I think, in Cork?—Yes, that was the case I referred to.

16,892. Was that a Fenian?—Yes.

16,893. That was in broad daylight too?—Yes. The raid at the barraeks I referred to, I believe, was at night.

16,894. (*Mr. Lockwood.*) That was at night, was not it?—I believe it was at night. That was not a raid, it was simply larceny of the arms. They were taken by stealth. There was no raid made by force like the recent raids.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,895. (*Sir H. James.*) Did that Fenian raid for arms and this attack on the shop in Cork in any way answer to these moonlighting raids?—Oh, no, not to my knowledge.

16,896. I think you have said that during the whole of this time you have only known one man who, in your opinion, asked for police protection without cause?—Yes; that is all I remember, and that man only got it for a couple of nights by patrol.

16,897. Have many or few persons for good cause obtained police protection?—Yes.

16,898. Well, which?—For good cause.

16,899. Have many or few; have you had many such applications?—Oh, many.

(*Sir H. James.*) I really must ask my friend not to make observations.

(*Mr. Lockwood.*) I made an observation to my friend, not to the Court. I ventured to suggest to him that a great deal of this was ground which had been gone over before.

(*Sir H. James.*) I will only say I will beg my friend not to take this course again. A constant running interruption is neither courteous, nor does it assist at all.

(*Mr. Lockwood.*) I do not think that observation is justifiable.

(*Sir H. James.*) I have been scarcely allowed to put one question without observations.

(*Mr. Reid.*) I do not know whether my friend refers to me, but I have not made an observation in the course of the case.

(*Mr. Lockwood.*) I can assure my learned friend I had no intention to cause him any annoyance whatever; but it did occur to me, as was very justly said by one of your Lordships in my cross-examination, that I was alluding to matters that had been gone over before, that my friend would take the hint from me without making an unnecessary fuss.

(*Sir H. James.*) No question was asked as to the number of persons who asked for police protection. Upon asking that question, which I thought was relevant, my friend made an observation to me which I would request him if he would be kind enough, not to make again.

16,900. Had many persons made applications to you for police protection?—Yes.

16,901. Do you think those applications were well-founded, and for good cause?—I do, and necessary in all cases.

16,902. Without such police protection do you think there would have been injury occasioned to those persons?—I do.

16,903. My friend Sir Charles Russell asked you about Mr. Irwin having taken your evidence. I believe you and Mr. Irwin were living together?—Yes, he was stationed with me part of the time in Castleisland.

16,904. And since you have been in London has he been at the hotel with you?—Yes, he has been frequently.

16,905. I believe he not only was well known to you, but he married a relative of yours?—Yes, of my wife's.

16,906. A niece of your wife's, I think; and did you ask him to take down your evidence?—I did.

16,907. Then afterwards, I believe, you furnished it to Mr. Soames and he went through it with you?—Yes, I gave it him; I sent a letter to Mr. Soames's office.

16,908. You went, we know, on December 4th, 1880, to this place, Castleisland?—Yes.

16,909. Shortly afterwards was the police increased?—Yes.

16,910. When was it that the police in numbers were increased?—They were increasing almost monthly from 1880 to, I think, 1882.

16,911. You are speaking of December?—Yes; I think in 1882 the police force was about the largest in my time.

16,912. When was the first increase made in the police force after you went there in December?—It was made the month I went there in December.

(*Mr. Reid.*) We never asked a question about this in cross-examination.

(*Sir H. James.*) I beg my friend's pardon, Sir Charles Russell most distinctly asked as to the extension of the district and the extension of the police force.

(*The President.*) Yes, I have a recollection of that.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(*Mr. Reid.*) Increase of the police force, my Lord.

(*Sir H. James.*) Yes.

(*The President.*) Certain details were given.

16,913. (*Sir H. James.*) December 4th you went there. How soon after that was the police force increased?—They were increased in that month.

(*The President.*) The extension of the district was referred to.

(*Mr. Justice A. L. Smith.*) Extension of the district was referred to.

(*Mr. Reid.*) The extent of the district, but not a word about police.

(*Sir H. James.*) The evidence was given about the turning it into an officer's quarter. The witness himself said the police force was increased, and that it became an officer's quarter. The district was also altered in consequence of the increase of the police force.

(*The President.*) I do not exactly see the bearing of it.

(*Sir H. James.*) It is to show, if your Lordship pleases, the increase of crime.

(*Mr. Reid.*) That is shown by the numbers in the figures.

(*Sir H. James.*) I purpose, if your Lordship pleases—if you see no objection—to ask, without my friend's consent, if there was an increased police force. I wish to establish that fact. The reason of it I wish to see.

(*The President.*) Yes; at any rate I shall allow you to do so, and if it is thought of sufficient importance you can cross-examine again upon it, Mr. Reid.

16,914. (*Sir H. James.*) December 4th you went there. When was the first increase of the police force?—I think there was an increase that very month.

16,915. What necessitated that increase?—The number of outrages that occurred in the district.

16,916. You, of course, do not, except by hearsay, of your own knowledge know the number of outrages before December 4th?—No, I do not.

16,917. But after you came there did the outrages increase?—Yes, very much.

16,918. Outrages of the character you have given us to-day?—Yes.

16,919. And the real outrages?—Yes.

16,920. I want, if I can, to get from you this date. You gave my friend, Sir Charles Russell, the names of particular Land League branches. I want one more particular about Firies. Were you giving to my friend, Sir Charles Russell, the Land League branches in your own district?—In the district of Castleisland when it became a district.

16,921. That is when it became a district?—Yes.

16,922. It had been a larger district, had it, and then was there more concentration, or was it increased?—First it formed portion of the Tralee district. On the 14th December 1880, in consequence of the crime that was in the district it was made a district inspector's station, and took in some of the districts of Listowel, and Killarney and Tralee.

16,923. After that was done did it become the district of the sort which you have mentioned 10 or 11 miles long and 4 broad?—It did, more.

16,924. I do not quite follow you. When you first went there on December 4th was it a district at all?—It was a sub-district. It formed portion of the Tralee district.

16,925. Was it then constituted of that area, 10 miles long and 4 miles broad?—It was nearly that.

16,926. When was it altered so as to become a district itself with a larger area?—On the 14th December 1880.

16,927. That is 10 days after you went there?—Yes.

16,928. What was its length and breadth then?—I think it would be about 26 miles long then, and about 10 miles wide.

16,929. I think that is the length and breadth you mentioned in your examination-in-chief?—Yes.

16,930. Were these two places you mentioned Castleisland itself, and I think you gave the name of Cordal?—Yes.

16,931. Were those places within the sub-district or within the larger district?—Castleisland and Cordal were in the sub-district.

16,932. In the larger district, the 26 miles by 10 or 11, had you more Land League "branches"?—Yes.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,933. What were those branches you mentioned. Firies was one?—Firies, Knock-nagoshil, Brosna, and Cordal, that was in the other; I am not sure whether there was a branch at Curragh or not; I think there was.

16,934. I will take Firies. If you do not know, say you do not. Can you tell me when they were first established?—No, I do not know.

16,635. Was it long or shortly after you went there?—I could not say.

16,936. You have spoken, too, of the suppression of the Land League. The date October 1881 was given you, I have no doubt that is correct. Where did the ladies of the Land League meet?—The Ladies' Land League in Castleisland met in the house of a man named Callaghan. He was a flour merchant. I am not sure whether it was Callaghan. I think it was Tim Horan's house. It was some house adjoining Callaghan's if it was not Callaghan's.

16,937. Did any of the old leaguers attend when the meetings were held, or not. I do not know how that is?—I do not think there were any men at those meetings.

16,938. Very well; I will take it so for the moment. Do you know who was the secretary of the Ladies' Land League?—I know her very well, but I do not remember the name now; Mrs. O'Sullivan was the secretary.

16,939. Give me again the house you say you think they met at?—I think it was a house belonging to Timothy Horan.

16,940. You have mentioned two. Is that the same Timothy Horan who was the secretary of the Land League?—Yes.

16,941. When the National League came into existence you saw people, I presume, attending the meetings of the National League?—I did.

16,942. Were they or were they not the same people who had attended the Land League?—Yes.

16,943. Which?—The same. They met in a different house, though.

16,944. They met in a different house, but were the same people?—Yes.

16,945. You were pressed about certain people who were arrested. Was a person named Kenny arrested?—Yes.

16,946. Who was he?—He was President of the League at the time he was arrested.

16,947. Had he continued a member of the League or had he been suspended at all?—I am not quite sure. I think he was.

16,948. I will not ask you?—I think he was.

16,949. You have been asked by many of my friends as to these moonlighters. You have known, of course, certain persons who were arrested and punished for different crimes?—Yes.

16,950. To your knowledge, were any of those persons members of the Land League?—Well, I believe they were. I saw them attending meetings.

(*Mr. Reid.*) No.

(*Sir H. James.*) He is going to give the reasons.

16,951. You saw them attending meetings?—Yes, and active at any meetings that were got up. I could not say they were members of the League, because I went into the National League one day, and I was ordered out by several men.

16,952. Have you seen these persons who were arrested attending the meetings of the Land League?—I have.

16,953. And the National League?—I have.

16,954. Can you give their names if necessary?—I have a lot of names I could give. I know a lot of men who were convicted, who, I believe, were members of the League.

16,955. Do you know a man named Crowley?—Yes, I did.

16,956. What was he, if anything, in connexion with the League?—I believe he was the secretary of the Scartlaglen League.

16,957. Was he arrested and tried and convicted of any offence?—I was away at that time, but I heard that he was. Mr. Davis would know.

16,958. Very well. We will prove that from him. My friend Mr. Reid asked you whether you had any reason for saying the moonlighters belonged to the Land League. I think it was put to you before. Did most of the people in the neighbourhood belong to the Land League?—They did, yes.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

16,959. The farmers and farmers' sons?—Yes.

16,960. Did you have to make inquiry from time to time when crime had been committed so as to endeavour to detect the criminal?—Yes.

16,961. Could you ever obtain any information from any persons in the neighbourhood about the commission of crime?—No.

16,962. Did you ever receive any assistance in the detection of crime?—In very few instances. That case of the outrage at Carker was one in which we got assistance from the people that were attacked.

16,963. But I am speaking of the people who were not attacked?—Oh, no.

16,964. When you say you sought information from the people in the neighbourhood, you have told me they were all Land Leaguers, were you trying to obtain information from those persons you have mentioned as being Land Leaguers?—I was.

16,965. Did you obtain either information or assistance in the detection of crime from those people?—No.

16,966. Did you receive any information or assistance when you were endeavouring to detect crime?—No; sometimes I got hints which might have been useful if they had been given in time, but in very few cases did I get any assistance at all.

16,967. Even when applying to the persons who had been the subjects of these outrages, could you obtain free information from them?—No, in many cases they told me that even if they had known they would not tell me, and I believe it would have been as much as their lives would have been worth to do so.

16,968. My friend also asked you very emphatically if you had ever reported any person or persons as belonging to any secret societies. Could you obtain positive proof of their belonging to secret societies?—No.

16,969. In fact, could you obtain proof of their having committed the crimes which you attribute to the secret societies?—No, I could not.

16,970. There was one particular case my friend thought right to ask you about. On the 13th of February 1881, the house of William Saunders was visited by an armed and disguised party, who demanded admittance in the name of the Land League. I think it was my friend Mr. Reid who asked you whether you had got that in that book, which of course you had not there. You told him you got the information from Miss Saunders?—Yes.

16,971. Was there a trial on account of this?—There was.

16,972. Was Miss Saunders examined as a witness?—She was.

16,973. Where was the trial?—The trial was at Tralee, and it was stated there, too, what I have stated to-day.

16,974. Were the persons who committed that outrage convicted?—There was one man convicted.

16,975. What was the name of the man?—A man named Laughlin. I think his name was William Laughlin. He got 10 years' penal servitude.

16,976. He was found guilty and received 10 years' penal servitude?—Yes.

16,977. Was Miss Saunders examined and cross-examined?—She was.

16,978. (*Mr. R. T. Reid.*) You were there I suppose?—Yes, I was there.

16,979. Was that man Laughlin, do not tell me if you do not know, a Land Leaguer or not?—I believe he was.

(*Mr. R. T. Reid.*) I should like to ask one question.

(*The President.*) You mean as to the police.

(*Mr. R. T. Reid.*) About the last question, not upon that other matter, but the last question about his belief that this man was a Land Leaguer?

(*The President.*) Yes.

Further cross-examined by Mr. R. T. REID.

16,980. Do you know whether he was a Land Leaguer or not?—I could not say, but I believe he was.

16,981. Why do you say you believe he was. What is your ground for belief?—Nearly every man like him in the district was a member of the League.

16,982. Nearly every man like him in the district was a member of the League, and that is your ground for saying you believe?—And from the associates he had. He was arrested with fellows that I am almost certain were Land Leaguers.

23 Nov. 1888.]

DAVID GEORGE HUGGINS.

[Continued.]

(*The President.*) I am going to take an opportunity of asking, not that I want it now but we shall see what information we have by-and-by; have you any means of ascertaining the names of the members of the League.

(*Mr. R. T. Reid.*) My Lord, I will try. I was given to understand, of course, a particular state of things, or otherwise I would not have put the question. I was given to understand he was not.

(*The President.*) I am only asking for information.

(*Mr. R. T. Reid.*) I will try and obtain that, and supply the information to your Lordship.

Cross-examined by Mr. BIGGAR.

16,983. (*Mr. Biggar.*) My Lord, I should like to ask the witness this. The witness has repeatedly said he had seen persons at meetings of the National or Land League. What I would like to ask is whether, in giving his evidence, he would draw a distinction between large open or public meetings, and meetings of the Executive, or meetings of the Committee of the Land League?—Well, I saw them attend both.

16,984. In every case that you have given evidence about?—I do not quite understand your question.

16,985. The question is simply this—whether in giving evidence that a person was present at a Land League or National League meeting, you mean one of the large public open-air meetings, or whether you mean meetings of the executive of the League in a private house. Do you draw a distinction?—Well, I mean both, for nearly all the men I saw at public meetings I have seen at other meetings now and again at the League.

16,986. And do you mean to swear that all the people you have seen at the large open-air meetings you have also seen at the meetings of the executive—at the private meetings?—No, I do not.

16,987. What do you mean?—I mean the parties I refer to as being reputed men of the League—that I have seen them attend both meetings.

16,988. Be kind enough to point out the distinction between the two cases, because a person might be at an open public meeting, my Lord, simply as a spectator.

(*The President.*) I quite appreciate that, but the witness said speaking of particular individuals.

16,989. (*Mr. Biggar.*) Did you see this man you referred to a minute ago, Laughlin, at either public or private meetings?—I could not say that I did.

(*Sir H. James.*) My Lord, I am very sorry to break the thread of our examination. I was going to finish the persons stationed at Castleisland, but there is a witness who has been telegraphed for to return to Ireland; and to keep him till Tuesday would impose great difficulty upon him.

(*The President.*) Very well.

JOHN TEAHAN SWORN. Examined by Mr. ATKINSON.

16,990. Do you live in Tralee, in the county of Kerry?—Yes.

16,991. Have you an hotel there?—Yes.

16,992. In addition to an hotel proprietor are you a farmer and extensive cattle dealer?—Yes.

16,993. How long have you resided in Tralee?—I should say about 20 or 21 years. I was born in the neighbourhood of Tralee.

16,994. Did the Land Corporation take possession of some lands down near Tralee in the year 1886?—I think so.

16,995. Were those lands from which tenants had been evicted?—Some of them, I think.

16,996. Was there a man named Thomas Hurley employed by this Land Corporation?—I think so.

23 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

16,997. Were you a member of the Land League yourself?—I was.

16,998. Did you purchase some cattle from this man, Tom Hurley, in the year 1886?
—No, I never bought a beast of him.

16,999. Had you any negotiation with him?—I had.

17,000. Did you sell anything to him?—I sold him cattle.

17,001. Was he buying for the Land Corporation?—Yes.

17,002. About what time was this that you made this sale?—I could not say; I never kept any items or anything about it.

17,003. But it was in the year 1886?—I suppose so.

17,004. Up to the time of the sale of the cattle to Hurley were you on good terms with your neighbours?—The best of terms.

17,005. Do you remember receiving any letter from any person connected with the League at Tralee calling upon you to attend a meeting?—I do.

17,006. Have you got the letter?—No, I tore it the moment I got it.

17,007. What has become of it?—I tore it up.

17,008. Did you attend the meeting?—I did.

17,009. Did you see afterwards a report of what took place at the meeting in the “Kerry Sentinel”?—I paid no attention at all to it.

17,010. Do you mean to the report?—Because it never did me any harm.

17,011. Did you attend the meeting?—Yes, I did. I attended the meeting and gave the letter I got.

17,012. Did you read the report of what took place at the meeting in the local papers?—I did not, but I heard it read.

17,013. Did you hear it read from the “Kerry Sentinel”?—I could not tell you in what paper was it read indeed.

17,014. (Mr. Atkinson.) I will read it?—If you read it I will just tell you the truth.

(Mr. Atkinson.) It is the 15th of June 1886.

(The President.) Is this the “Kerry Sentinel” of that date?

(Mr. Atkinson.) Yes, my Lord.

(The extract was put in and read, and was as follows):—

“The Irish National League, Tralee Branch.

“A full meeting of the Committee was held on Sunday, when several cases of importance were brought forward for discussion.

“Charges were brought by some members against others of dealing in cattle with the Land Corporation and certain obnoxious landlords in the district, which were adjourned to next Sunday in order to give the secretary an opportunity of communicating with one of the neighbouring branches for the purpose of obtaining some necessary information in connexion with the matter.

“A letter was read from John Teahan, cattle dealer and hotel proprietor, expressing regret for his hasty language before the Committee at the previous meeting, and undertaking not to deal with the Land Corporation in future.

“The Committee promised Mr. Teahan to recommend his letter to the favourable consideration of the general meeting on Sunday next.

“Letters of apology were read from John White and William Brick for supplying cars to the police to assist at evictions. Their letters were also promised to be favourably considered.”

17,015. Now did you write to the Land League?—I am sure I did, but I have no recollection of it. I could tell you in two words the whole thing.

17,016. Did you bring the letter with you or did you send it to them?—I do not know whether I did or not.

17,017. Had you on a previous occasion attended a meeting previous to this one reported on the 15th of June?—When they sent me a letter I went to them to the room.

17,018. Was there any person there?—Somebody charged me with selling cattle to the Land Corporation. I said when I take 100 cattle to the fair I am not looking who is my buyer, but who is the best buyer, and I paid them defiance, and I walked out.

17,019. Was that the hasty language to which they referred?—Yes.

17,020. In this letter, then, did you express your regret for treating them with

23 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

defiance?—I do not know whether it was or not. I do not remember anything about it.

17,021. Did you not express your regret?—Perhaps I did.

17,022. Did you not express your regret for the hasty language before going to the committee?—Perhaps I did.

17,023. Are you certain?—I am not quite certain. Perhaps I did.

17,024. After that did you come before another meeting?—I told you I stayed in the room with them all the time.

17,025. Did you come before another meeting?—I did not see any ratepayer in that room or any good men, but only corner boys who could do no good to their country or anybody else.

17,026. You objected to their jurisdiction. Did you go before any other branch in addition to the Tralee Branch?—No, I never did.

17,027. Did not you go before the Newtownsande's Branch?—No, not at all, not a word about it.

17,028. I read from the "Kerry Sentinel" of the 18th June 1886.

(The extract was put in and read, and was as follows):—

"Newtownsande's Branch."

"The usual fortnightly meeting of the above branch was held on Sunday last.

"Mr. Jeremiah Nolan, P.L.G., presiding.

"The following resolutions were unanimously adopted:—'That our best thanks are due to the Tralee Branch for the timely steps they have taken in denouncing the car-owners there who recently lent their cars for evictions here; also those cattle dealers who buy from the Land Corporation.'

Had you sold any?—That was out of my direction altogether.

17,029. Yes, I am aware, but do not you deal in cattle all over the county of Kerry?—I do. I have sent hundreds of cattle to England. I have a salesman in Glasgow, and another in Bristol.

17,030. You yourself sold them?—I would sell to you if you would give me an order for 100.

17,031. Did you go before the Tralee Branch again on the 29th of June?—I think I did.

17,032. Are you certain of anything at all?—I am quite certain I did.

17,033. I read from the "Kerry Sentinel" of the 29th of June 1886.

(The extract was put in and read, and was as follows):—

"Irish National League, Tralee Branch."

"A full meeting of the committee was held on Sunday, Mr. Garrett Fitzgerald, V.P., in the chair. Others present—William Flynn, Jeremiah Leahy, hon. secs., T. Riordan, treasurer"—

and several other members.

"Several charges and countercharges between members of the League were discussed. Mr. John Teahan, cattle dealer and hotel proprietor, attended at the invitation of the secretary to support letters of apology he had sent forward for dealing with Thomas Hurley and the principal representatives of the Land Corporation.

"The corresponding secretary, Mr. Leahy, stated that in consequence of inquiries made by the Dingle Branch of the League on Friday, he had given a letter to Mr. Teahan to the effect that having given a satisfactory explanation to the Tralee Branch he would be at liberty to buy and sell cattle to all parties except the Land Corporation.

"On receiving the letter Mr. Teahan said that as Dingle was always his stronghold, and having numerous friends and relatives there, he would test their feelings before he produced the letter from the secretary of the Tralee League.

23 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

“ Consequently he went to buy as usual, but up to the hour of 11 p.m. he only succeeded in obtaining one solitary beast.

“ Mr. Leahy.—Tell me, Mr. Teahan, did not I give you the letter mentioned on the understanding that you should hand it to Mr. Michael Murphy or Mr. Dissett before you attempted to buy any cattle.

“ Mr. Teahan—— ”

17,034. That is you, is not it?—Yes.

“ Certainly, sir, but I thought I could buy as usual, in consequence of my large connexions in Dingle.

“ Mr. Fitzgerald: But, Mr. Teahan, you found that the National League was stronger in Dingle than all those fancied friends and connexions?

“ Mr. Teahan: So I did. (Laughter.) I asked one man the price of a beast barely worth 5*l.*, and he asked me 15*l.* (Great laughter.)

“ Mr. Leahy: I wish to make known to you, Mr. Teahan, that I have received a letter from Mr. Murphy, secretary of the Dingle Branch, informing me that you treated them with marked discourtesy and insolence, and had I known that such would occur you would never have got a letter from me to your advantage, for if one single branch of the League in Kerry is insulted, the insult applies to the whole collectively.

“ Mr. Teahan: Excuse, me, gentlemen, I was out of temper in consequence of a car of mine having returned from Dingle the previous day without a commercial traveller, Mr. Rellihan, who was conveyed from my hotel, but who would get no order in any business house in Dingle, or receive a penny of any debt due to him, until he promised to dismiss my car, and his employers, Messrs. McCarthy and Sons, Cork, were telegraphed to and sent orders to dismiss my car. I thought, gentlemen, at that time that I had received my pardon, and therefore lost my temper, and now apologise for any hasty expression I may have used.

“ Mr. William Flynn (Financial Secretary): Well, Mr. Teahan, I think you have approached the League in as good a spirit as could be required, and as there appears to be no objection, I will ask you for your subscription, which was returned to you some time ago, and which was not a fourth of your liability to the League, and a substantial sum in addition, so as to come on a footing with others on an equal valuation.

“ Mr. Teahan: How much?

“ Mr. Flynn: 1*l.*, the same as Mr. Dawson and John Lamb paid.

“ Mr. Teahan: You are very hard on me.

“ Mr. Flynn: Not half as hard on you as the Dingle man who asked you the big price for the cow. (Great laughter.)

“ Mr. Leahy: Don't be talking of hard treatment, Mr. Teahan. Perhaps there is not another secretary of the National League in Ireland would give you such a letter to the Dingle Branch as I did.

“ Mr. Teahan: I am very thankful, so you did.

“ Mr. Teahan was then leaving the room when Mr. Michael Quilan appeared and charged Mr. Teahan with giving accommodation to the horses and cars of Miss Lucy Thompson, Thomas Hurley, and other members of the Land Corporation.

“ Mr. Teahan admitted the fact, and pleaded as an excuse that he held a hotel licence, and was, therefore, bound to give accommodation to all whom he could entertain.

“ The President said it was no such thing. A man's house was his castle, and he could entertain or refuse whomsoever he liked, if he considered it would affect his business. Mr. Teahan had given an undertaking to have no dealing in future with the Land Corporation, and how could he in the face of that undertaking give accommodation to the mainspring of the Corporation, Miss Lucy Thompson and her henchman, Tom Hurley.

“ After a short discussion, Mr. Teahan agreed not to grant those parties any accommodation in future. Mr. Quinan gave a list of several parties in the town who had employed cars belonging to Cornelius O'Sullivan.”

23 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

17,035. Is not that an accurate report of what went on?—It is mostly every word.

17,036. On the 2nd July 1886 did you go before the Dingle Branch, where you had these strong friends and connexions?—I did, but I must tell you, before I get through I do not think it was the League that entirely boycotted me, it was another class, the dealing men. It is well off I am, and those men go with them, and, in fact, it was not the League that did it, but it was a class that I well know who were doing it.

17,037. But you did not go before the dealing men?—No.

17,038. You went before the League, who you say did not do it?—Yes, they were members of both.

17,039. Were those dealing men members of the League?—Yes, they were members of the League, at least I think so.

(Mr. Atkinson.) Now, I read from the “Kerry Sentinel” of the 2nd July 1886:—

“Dingle. A large meeting of the above branch was held on Sunday last, the
“Rev. C. Scully, C.C., President, in the chair. The officers and most of the com-
“mittee were present. The minutes of the last meeting were first read and signed.
“The secretary then informed the whole house that he had been in communication
“with Mr. Leahy, hon. sec., Tralee Branch, during the previous week respecting
“the visits of Teahan and Savage, junior, to the town in connexion with the fair,
“both being obnoxious. The members highly approved of the steps taken, and
“as strongly condemned the disgraceful conduct of Teahan and Savage. The
“former foolishly imagined that Dingle was behind the age, and nature wisely
“intended him to be its enlightener. Then he learned ‘a thing or two’ on the
“occasion of his last memorable visit. Dingle possesses within its bosom a
“treasure, a true patriotism, which neither his Australian nor Land Corporation
“money can ever purchase. Savage, too, finds that though he may have money,
“and had intended to buy cattle for his father until death as he will not get
“them either for love or money from the Land Corporation. A letter was read
“from the Tralee Branch congratulating the Dingle Branch for its activity, &c.,
“under all the circumstances. Mr. T. Harrington also wrote that any case of
“grabbing or the like which occurred in 1879 cannot be entertained by any
“branch.”

17,040. In consequence of those proceedings, did you refuse to give Miss Thompson, who was connected with these lands which the Land Corporation were in possession of, accommodation?—Well, I did in this way: Miss Thompson drove up to my gate in front of the hotel, and I went out and said: “Miss Thompson be good enough to pull your carriage into the club yard for a few days, and I will settle with those fellows.”

17,041. Who were “those fellows”?—Some of those who were annoying me.

17,042. Were not those members of the Land League before whom you had appeared?—I could not say whether they were members of the Land League at all.

17,043. Who were they?—There was a chap of the name of Quinlan, whose father was evicted by Miss Thompson, he was the cause of all the annoyance to me.

17,044. You keep an hotel and stable yard?—I do.

17,045. Did you enter into negotiations for the purchase of the Castle Farm belonging to Mr. Curtin, who had been shot?—I did.

17,046. With whom did you enter into negotiations?—With Mrs. Curtin and young Mr. Curtin.

17,047. What sum did you offer for it?—1,000l.

17,048. For the tenants’ interest?—Yes.

17,049. When was that?—I think some time last spring.

17,050. Do you mean the spring of the present year?—Yes, I do; I think it was some time in March last, or in the beginning of April.

17,051. After you had entered into negotiations, did you receive any threatening letters?—I did.

17,052. How many did you receive?—Five.

17,053. What became of them?—I do not know to whom I gave them, that is telling you straight.

17,054. Were any notices posted up in reference to you?—Not that I am aware of, but when I took the farm I went into the police hut, and Miss Curtin and the family

23 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

were having dinner, and I said "I hope you will rest, I will give you a discharge to a better place."

17,055. I did not ask you that. In consequence of those threatening letters did you withdraw from this bargain?—I did.

17,056. And gave up the farm?—No, for I had not it to give up.

17,057. Did you cancel your agreement about it?—I had written to Mr. Curtin to Tralee about the Castle Farm that I would have nothing at all to do with it.

Cross-examined by Mr. REID.

17,058. I have very little to ask you, but, as I understand, you were boycotted at some time, were you?—Well, I do not call it boycotted, because I was able to get through and do my business almost.

17,059. What was the complaint that you make, was there any outrage perpetrated upon you?—I am making no complaint.

17,060. You are, as I understand, a member yourself of the National League?—I was.

17,061. I do not know if you are now?—Well, if they wanted money now I would give it to them to support them, because I think they have done something for me and my neighbours.

(Mr. R. T. Reid.) My learned friend in reading this notice—I am quite sure he did not attach importance to it, but I do—did not read the last paragraph: "Instructions were given to the secretary to ask those parties that are members of the League to come forward on the next Sunday to give an explanation of their conduct and to be dealt with."

17,062. As to this Land Corporation?—It is very seldom a week goes that I do not buy 300 cattle and ship them, or sell them to customers all through Ireland, and I am at a loss of 100*l.* by standing in this chair, I tell you on my oath.

17,063. Was it in consequence of your dealing with the Land Corporation that you were boycotted, or partially boycotted?—It was for selling cattle to Mr. Hurley, and I have sold some to him since whenever he will buy them of me.

17,064. I am shortening it as much as I can, I am not referring to the time when you will get back the money?—I do not want it; I have plenty of money of my own. This is the document (*producing a paper*).

17,065. Never mind that; with regard to this Land Corporation, it is very unpopular, is it not, in that part of the country?—Well, I do not know, I rent too from Mr. Hussey. I find him a good man; I speak of a man as I find him.

17,066. I am speaking of the popularity of the Land Corporation, is it popular or unpopular?—You would hardly notice any difference in them now, however, they are all friends and neighbours.

17,067. Who are neighbours?—Both the Corporation and everybody else; they sleep at my hotel.

17,068. They are all on very good terms?—Yes, you can sell cattle to them and they know all about it.

17,069. What part of the country is this?—In county Kerry; I go into the fair in county Kerry, and I buy 200 head of cattle there.

17,070. Do you say you were boycotted because of your dealings with the Land Corporation; do just answer me?—Well, I might say about those fellows that I was buying so much cattle, and I drive tandem now and again, and a good pair of horses, and they condemn me for certain motives.

17,071. So that in point of fact you think the reason of your being boycotted was jealousy of your superior position?—I certainly do believe so, those fellows annoyed me at the same time about the hotel and my buying and selling so many cattle a day.

17,072. You say it was jealousy of your prosperity?—Well, if I swear anything, that is what I would swear here, because all the people are friends of mine.

17,073. And you were boycotted for that reason, as you say now. Let us understand you. You say you were boycotted, you think, by the rivals in your trade. You think they boycotted you?—I say so, because my trap was thrown into the cairn, 46 miles from home, and it was done by a fellow, who I gave a month in gaol to, a short time previously.

13 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

17,074. It was done for revenge?—I know it was done, but there were some fellows in this place that did many things to me, but I set no value on them; not a decent class.

17,075. So far as boycotting is concerned, do you say the National League had anything to do with boycotting you or not?—I could not say that, and would not say, because when the League was there I was a member of it.

17,076. So far as you know the League had nothing to do with it?—I could not say that; there was a fellow sitting in the League. I say only what I know.

17,077. There was one boy in the League who was the son of an evicted tenant?—Yes; his name was Quinlan.

17,078. Had he a grudge against you for any other reasons?—He had no grudge, except he was a man of straw, and I was a man of means. I did not care anything about it. You would find a few blackguards there; hundreds of them, who do not pay a shilling poor rate, and it would do the town no harm to have those fellows in gaol.

17,079. You attribute this trouble and boycotting to a few blackguards you say?—Yes, the gentlemen in that county have a respect for me, and I know it.

17,080. Tell us about the National League; is it the case that the National League comprises nearly all the respectable people in the district, many of the respectable people in the district are they not members of the National League?—There are a good many respectable men I know who do not belong to the League at all.

17,081. And there are a great many respectable men who do belong to it?—I dare say there are, I have not been in there except to pay my subscription.

17,082. A good many respectable men belong to the League, and a good many respectable men do not belong to it?—Yes, there are men who ought not to be there at all.

Re-examined by Sir H. JAMES.

17,083. You say it costs you 100*l.* to be here. You buy and sell cattle?—Yes, I lost 100*l.* by being here to-day.

17,084. Is that from the farmers in your neighbourhood of Kerry?—It is not from my farm.

17,085. Have you been doing it for many years?—I have.

17,086. Is the distress very great in that neighbourhood?—With some people.

17,087. But with you?—Not at all. I can sign a cheque for 5,000*l.* I made a good deal of my money in Africa, in Kimberley, and since I came here I have made very good use of it.

17,088. You have a good deal of money, you have a tandem, and the good opinion of your neighbours?—Yes, I think I have.

17,089. About your opponents, the persons you say who are jealous of you. What is Flynn, the man who addressed you at the Land League?—He is a man who I would not give a penny a year for.

17,090. Was he an opponent in trade?—He was an old captain; do not talk about him.

17,091. Mr. Flynn, we see from the report, addressed you at the Land League?—He is dead now.

17,092. He was the financial secretary?—I do not know what he was.

17,093. He spoke to you in some position or other?—Yes, I do not know what position he held there.

17,094. Was he a rival of yours in trade?—No, in no way.

17,095. Was he jealous of you?—Well, what harm may I do the like of that fellow. He never was worth anything.

17,096. Was he jealous of you according to your account?—He was not jealous of me, but he was a good spouter, he could talk a little, he had good grammar.

17,097. And who was Leahy, the gentleman who gave you the letter to sell your cattle at Dingle?—But I did not make use of the letter.

17,098. Never mind, he gave it to you, what was he?—He was a farmer, and he had a shop at Tralee at that time.

17,099. What was he in the League?—I do not know what he was; I believe he was secretary.

13 Nov. 1888.]

JOHN TEAHAN.

[Continued.]

17,100. You got a letter from him?—I cannot tell you any act I had with him, I was half mad while I was talking to him.

17,101. Half mad?—Half cracked, I would not look at the letter or at himself.

17,102. You are all right now, I hope?—I am.

17,103. You were asked whether you were a member of the Land League. You paid a pound, did you not, as a fine?—I did.

17,104. And you subscribed at once?

(*Mr. R. T. Reid.*) It was not a fine.

17,105. (*Sir H. James.*) What did you pay?—I paid a sovereign.

(*Sir H. James.*) Will your Lordship allow us just to read the passage.

(*Mr. Atkinson.*) “I will ask you for your subscription which was returned to you some time ago and that was not a fourth of your liability to the League, and a substantial sum in addition, so as to come on a footing with others at an equal valuation.”

(*The Witness.*) I gave it to them.

17,106. (*Sir H. James.*) What did you give them altogether?—A pound, and I would give them a pound again to-morrow if they wanted it.

(*Mr. R. T. Reid.*) Will your Lordship allow me to read the rule. The 3rd Rule is, “The annual subscription shall be 1s. for every 5*l.* valuation, and in no case shall it be less than 1s. or more than 1*l.*”

Adjourned till Tuesday next, the 27th, at 10.30.

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT No. 1,
Tuesday, 27th November 1888.

(*Sir C. Russell.*) I have an application to make about the question of further documents. My learned friend Sir Henry James asked me to postpone it until after the adjournment, which I will do.

(*Sir Henry James.*) I am obliged to my friend. It is a matter referring to documents, and my learned friend the Attorney-General will be here then, and will be able to deal with it.

Serjeant JOHN GILLOOLEY SWORN.

Examined by Sir HENRY JAMES.

17,107. You are a serjeant, I believe, in the Royal Irish Constabulary?—Yes.

17,108. When did you enter the service?—May 1874.

17,109. When were you first stationed at Castleisland?—In March 1875.

17,110. Let me learn from you how long did you remain there in the first instance?
—Until about the commencement of December.

17,111. 1875 or 1874?—1875.

17,112. Were you then removed from Castleisland elsewhere?—Yes, I was.

17,113. Where did you go to, and for how long?—To a station called the Cleharne district.

17,114. What county?—Same county.

17,115. How far is that from Castleisland?—About 36 or 37 miles.

17,116. Then did you return to Castleisland, and when?—I returned to Castleisland about 14 months afterwards.

17,117. Would that bring us to the beginning of the spring of 1877?—Yes.

17,118. The early part of 1877?—Yes.

17,119. Have you remained at Castleisland from that time to this?—With the exception of a few months.

17,120. When were those months?—In 1885, Sir—there was four months then.

17,121. With the exception of four months you have remained at Castleisland from the first?—In Castleisland district.

17,122. As to the police force when you were there, I believe you called it an out station; what was Castleisland when you first went?—It was only a sub-district.

17,123. How many public officials did that represent?—A head constable, acting serjeant, and five constables.

17,124. Was that force found sufficient for the district?—It was.

17,125. At any time was the force increased?—It was.

17,126. When?—It was increased in 1880—the latter end of 1879 or the commencement of 1880.

17,127. Between that and 1875 was there any increase or deduction, or did it remain the same?—It remained the same.

17,128. Was the head constable there, and the serjeant also?—The head constable got out on pension, and it remained a serjeant's station afterwards.

17,129. Did it remain what you call a serjeant's station?—Yes.

17,130. Is that a higher or a lower class station?—A lower class station.

17,131. As regards numbers of the force?—Yes.

17,132. The number of police officials were the same, but the head officer you spoke of was removed?—Yes.

(*Sir C. Russell.*) If it has any bearing upon the matter at all, I presume it goes to show that there was an increase of police, which we do not doubt in the least. We have had that at least more than once.

27 Nov. 1888.]

JOHN GILLOOLEY.

[Continued.]

(*Sir Henry James.*) No.

(*Sir C. Russell.*) I assure you we have. We are sick and tired of this reiteration of things, which we contend are very remote from the issues your Lordships have to decide, and the re-hearing of which is entailing enormous expense upon both parties, but upon the parties for whom I am appearing it is acting very seriously. Let us have these figures subject to their being checked by us.

(*Mr. Reid.*) They were given already on the last day.

(*Sir C. Russell.*) Let us come to something that is material.

(*Mr. Reid.*) They were given on the last day, and I objected to the list, and my learned friend Sir Henry James pressed it, and it was admitted.

(*Sir Henry James.*) Of course I sincerely accept any suggestion of my friend as to the course of the conduct of the case if it is to save time. But my friend will forgive me, there has been no evidence whatever as to the increased police before 1880, which is the important part we are dealing with. We are putting before you what was the increase in the police force, and what the increase of crime was. That is the remedy to be applied, and what is the evil they had to deal with.

(*Sir C. Russell.*) There is no more doubt than that your Lordships are sitting on that bench that there was an increase in the crime. It is on record and in the parliamentary returns. Let them furnish to us if they think material an official statement of the returns subject to any question there may be, and that will do.

(*Sir Henry James.*) The proof would have been given in half the time this discussion has taken.

(*Sir C. Russell.*) My friend thinks he is *dominus lites* here. Your Lordships are the party to regulate the inquiry.

(*The President.*) I am waiting till I have the opportunity —

(*Sir C. Russell.*) I hope I am not standing needless in the way or —

(*The President.*) Not the least.

(*Sir C. Russell.*) Or I hope it will not be understood that I am only standing in the way to protest against the gross waste of time which there is.

(*The President.*) I think the evidence is relevant in the form in which Sir Henry James last put it,—was it found necessary to have an increase of the force in this year,—and I do not myself think that the particular number is of importance.

(*Sir Henry James.*) I do not want to put that. I am going on now to get what it was.

(*The President.*) You do not mean to go on as before. You are not going on in the same direction?

17,133. (*Sir Henry James.*) In the same direction, my Lord, in this sense. I come to the year 1880. I understand you have told us as to the police remaining the same from 1875 to 1880; what took place in 1880?—There were speeches made in the year 1880.

17,134. As to the police—what kind of increase of police generally did you make in 1880?—It became a head-constable station.

17,135. What was the increase in number?—There was something about 25 men.

17,136. Has that since 1880 remained so, or has there been further increase?—It has been nearly double.

17,137. Now give me very carefully to what number have you had your force increased.

(*Sir C. Russell.*) I understood you to say you would not go into details.

(*The President.*) I do not think it necessary to go into details.

(*Sir Henry James.*) If the witness says it was doubled from 25 it brings to me what I wish.

(*Sir C. Russell.*) Your Lordships see that although my friend professes at once to accept the suggestion your Lordship makes, he still goes on as if no expression had fallen from the bench.

(*Sir Henry James.*) I think your Lordship said you did not wish for detail, and I am not giving detail.

(*The President.*) I think that has been sufficiently proved, that there was an increase of police, which you attribute to the increase of crime which you have been giving evidence of—they, on the other hand, say it is from other causes.

17,138. (*Sir Henry James.*) Go back to the state of crime in the period before 1880; had you any agrarian crime to your knowledge before 1880?—No.

27 Nov. 1888.]

JOHN GILLOOLEY.

[Continued.]

17,139. Had you any moonlighters in your district before?—No moonlighters, but there was some petty outrage—not agrarian outrage.

17,140. Can you, from memory, tell me what they were in 1878 and 1877?—They were small outrages committed, such as knocking down cocks of hay and injury to property.

17,141. Could you on inquiry find that they were agrarian?—No, I could not.

(*Sir C. Russell.*) Was it his place to inquire?

17,142. (*Sir Henry James.*) Did you take part in the inquiry?—I did.

17,143. Do you recollect speeches being made in the year 1880?—I do.

17,144. Do you recollect one in October 1880?—I do.

17,145. When do you say that the Land League was established at Castleisland, or in the county, if you know?—I think it was in 1880.

17,146. After that League was established did you observe any change in the district?—A great change.

17,147. What was it?—Crime commenced after to get prevalent. There were raids for arms, houses were attacked at night, the administering unlawful oaths, threatening notices, and threatening letters.

17,148. Was that result quite a different state of things to what had existed before 1880?—Quite different.

17,149. Had you moonlighters abroad after 1880?—Yes.

17,150. Now do you recollect one particular case I will call your attention to—four men convicted in Cork in 1885?—I do.

(*Sir C. Russell.*) Are you going from 1880 to 1885?

(*Sir Henry James.*) Yes; you do not object to my going?

17,151. Who were those four men?—A man named Cowley, Fitzgerald, Dooly, and a man named Connor.

17,152. What were those men convicted of?—For attacking a protection post. There were two police stationed.

17,153. I believe they were convicted?—And disarmed them and taking their arms from them—moonlighting.

17,154. I believe they received a sentence of penal servitude?—Yes, for seven years.

17,155. Were these men known to you?—Quite well.

17,156. Who was this first man you mentioned—Cowley?—He was the reputed secretary of the branch of the National League at Scartaglin.

17,157. Which branch?—Scartaglin.

(*Sir Henry James.*) My Lords, I am told by my friend that in the evidence before you this man's name is mentioned in the "United Ireland" as being the secretary.

(*Sir C. Russell.*) Is it Crowley or Cowley?

(*Sir Henry James.*) Cowley.

(*Sir C. Russell.*) I will not say he was not, but I do not recollect.

17,158. (*The President.*) How do you spell his name?—Cowley.

17,159. (*Sir Henry James.*) I will give you the reference. Were the other three men known to you?—They were.

17,160. Now, were they attending at the Land League Office?—Yes.

17,161. What have you seen them doing in connexion with the Land League?—I have seen them attend the meetings and enter the Land League meetings that were to be held at Scartaglin.

17,162. (*The President.*) Do you mean by that, public meetings, or meetings of the Land League specially?—Both, my Lord.

17,163. (*Sir Henry James.*) All three of them?—Yes.

17,164. Where have you seen them attend?—I have seen them attend meetings in Castleisland—public meetings, and I have seen them attend meetings where the Land League was held in Scartaglin.

17,165. You say they were arrested as moonlighters, and had seven years?—Yes.

Cross-examined by Sir C. RUSSELL.

17,166. Do you keep an outrage book at your quarters?—Yes.

(*Sir C. Russell.*) I call for it for 1879 and 1880.

(*Sir Henry James.*) My Lords, I will state the position we are in with reference to this document, which has been called an Outrage Book. What I am instructed is,

27 Nov. 1888.]

JOHN GILLOOLEY.

[Continued.]

and, of course, your Lordships must take evidence upon that point, this is a book which is not rightly called an Outrage Book, but is a great deal more than that. It is a book containing letters and confidential communications with respect to certain persons in the district. Those in charge of the book, in the interest of the public service, according to their view, say that it is impossible that that book should be made public, both with regard to the interest of public service generally and also to the protection of other persons named therein, and therefore we shall have to make objection to its being produced upon that account.

(*Sir C. Russell.*) My friend, let me point out, is rather strangely misinformed. The name "Outrage Book" is the official name printed upon the back of the book itself. We have had one of those books produced.

(*Sir Henry James.*) No.

(*Sir C. Russell.*) Did you say "No"? We have had one of those books produced, and we derived a great deal, as I conceived, of valuable information from that book, and I affirm that there was not in that book, every page of which I turned over,—I believe I turned over every page of it—not one entry which bears out the statement of my learned friend.

(*The President.*) This, I understand, is another book.

(*Sir C. Russell.*) I am aware, my Lord, but it is another book of the same class. But you will bear in mind, when I was cross-examining upon that book, I called for the other, and the promise was made to me unconditionally that that book should be produced. It began in December 1880, that the book for the earlier part of 1880, and the book for the year 1879, would be produced to me. Mr. Soames had possession of it.

(*Mr. Murphy.*) No, no, he never had.

(*Sir C. Russell.*) At all events if he had not actual possession he undertook it would be forthcoming on this Tuesday morning, and Sir Henry James made this statement: "Yes, it will be here on Tuesday morning. It has been sent for." Now, my Lords, I am not content to take this statement which my learned friend has made. He has made it, of course, upon instructions.

(*Sir Henry James.*) Yes, certainly.

(*Sir C. Russell.*) I am not content to take the statement that my learned friend is instructed to make—and he, of course, makes it only upon his instructions—that it is against the interest of the public service that that book should be seen. I say that those who are getting up the case, or those who are assisting in getting up the case for the *Times*, have had access to that book, and I say that equally, if they had access, we ought to have access to it also. I am not saying Mr. Soames has seen it. He has a great many other things to look after, but I say this, and I say it unhesitatingly, that a book has been produced in court for 1880, and was handed to me, and the other one was promised to be produced upon my request, and I certainly shall—with great deference so far as I may do so—insist that these books shall all of them be produced. If your Lordships think it right after the statement my learned friend has made upon his instructions to examine these books for yourselves, very well; but certainly I shall call for the production of those and of every other like book.

(*Mr. Reid.*) May I say a word. I submit it would be nothing short of a breach of faith on the other side if the books are not produced; for this reason: Mr. Huggins was called and spoke when in cross-examination by myself about a certain book, called the Outrage Book, which did not record all outrages, and another book which contained other particulars with regard to each outrage. Now, your Lordships will recollect that the rule was that the police constables might prove matters reported to them, entered in that book, and therefore Mr. Huggins was permitted to give evidence upon the faith of this other book being produced also, and it was only on the faith of that, that he was allowed to give evidence of matters which would appear in the first outrage book. And my learned friend gave an undertaking that this book should be produced. He said it should be sent for, and it should be here on Tuesday morning. And I submit if we are not entitled to see the books which they see, we have no opportunity of meeting the case properly.

(*Sir Henry James.*) Allow me to say a word. My friend, Sir Charles Russell, got possession of the books so far as the books produced here on Friday last, and as to that class of book, no objection at all is made by anyone; but it was distinctly stated there was another book, not only representing the sequence in point of time, but a book

27 Nov. 1888.]

JOHN GILLOOLEY.

[Continued.]

of another class containing other entries. Now, my learned friend, Mr. Reid, is perfectly right. I did, so far as it was in my power to say Yes or No to that matter. They were anxious that book should be seen; but my friend, Sir Charles Russell, if he will allow me to say so, is misinformed when he says that anyone who instructs myself and my friends has had access to that book. I am speaking of the second class—that containing confidential matter. We have never had it here, and I may say Mr. Soames and those assisting him here have never had it in their possession. I certainly did say that as far as I knew, that we would do all we could to produce it. It is not we who object to producing the book; it is the public official.

(*Sir C. Russell.*) Who is he?

(*Sir Henry James.*) An official will be called, and my Lords will have him before them, and it will be for him to state that he will not produce it. This witness in the box is not the person to say that book shall not be produced, but the proper person having that book, when he is called to produce it, will say that it is not for the interest of the public service that that book shall be produced. I quite regret that words of mine led them to think I could produce the book, but the interest of the public service prevents it, I am told, and of course I have no power to do anything more. I am speaking now not for myself, but for those who will tell your Lordships whether that book can be produced or not.

(*Sir C. Russell.*) I now understand what the feeling of my friend is. My friend is under great misapprehension. I understood him to say there were two classes of books; one the Outrage Book, which was produced last Friday, and I understood him to say there is another class of book, which is of a more confidential character, and which contains entries which, as he is instructed, he says ought not in the public interest to be disclosed. My question as to the objection I was taking, and which I was pressing, was as to the first class of book. The production of the book of the same class *ejusdem generis* was a book produced on Friday. We will discuss the other matters when your Lordships have seen the books, and judge whether this objection is or is not well founded.

[The judges consulted for a short time.]

(*The President.*) There was a book—I am not sure there was not more than one—but there was at any rate a book, which was called the Outrage Book, and after some discussion that was admitted in evidence. There was a particular column concerning which the discussion was carried rather further than as to the others. The column was, I think, headed “Motives.” But ultimately that was also admitted as a general statement on the part of the police, made for the purpose of getting up criminal statistics. Then the book, which we are now considering, did not contain any such column as that of “motives.” That is my recollection, at least. But it turned out there was another book beside that book, which contained a record of the actual outrages. There was another book, which it was supposed at the time I mention contained somewhat similar information to that which was contained in the column “motives,” as we understood. I quite understand, in the sense in which Sir Henry James puts it, that, so far as he and his clients were concerned, he and they had no objection to the production of that book which would contain something analogous to “motives.” Now the objection is raised, which no doubt does not come—indeed, it ought not properly to come, and I do not suppose it does come in this case—from the parties themselves, but some official has raised an objection. Well, that objection must be taken by the person who produces the book, and who gives his reason—the sufficiency of it or not will have to be determined by us. But I must say, I think it is in the highest degree desirable that everything that was substantially contained in that book called “Outrages,” including also that which is entered under the heading of “Motives,” ought to be produced; and when that book is produced, I should certainly think no objection ought to be taken, and I do not think any objection will be taken, on the part of any official to its being put in evidence. I can, however, conceive that there may be some special entries; for example, concerning persons which a public functionary would think ought not to be disclosed. If there are any such, I should beg that Sir Henry James himself would look at them; and I should hope that he would not think it inconsistent with his position to show it to Sir Charles Russell and Mr. Reid and those who assist him, the class of entries which they object

27 Nov. 1888.]

JOHN GILLOOLEY.

[Continued.]

to. And if it should be found impossible to come to an arrangement, then we would very willingly look at them ourselves, and exercise our judgment in the matter.

(*Sir C. Russell.*) That I have no objection to. In the meanwhile, I call for the Outrage Book, so called.

(*Sir Henry James.*) May I, to assist your Lordships, at this point refer to the book we are dealing with? It is mentioned in Question 16,741, in the evidence of Mr. Huggins. Your Lordships will see it is not an outrage book, it is a letter book, full "of a great deal of other matter." We shall be glad for your Lordships to see the books.

(*Sir C. Russell.*) Your Lordships will observe from that statement and the answer, that Mr. Huggins was saying in effect that he was giving his evidence from that book.

(*Mr. Reid.*) And we admitted it on the hypothesis that it was produced.

(*The President.*) Then it goes on later, "Is that a third book or the other book to which you are referring?"

(*Mr. Reid.*) If your Lordship will kindly look at Question 16,744.

(*The President.*) "Am I to understand that in these cases in which you have given information as to these outrages, and which information does not appear in this book, that we shall find it in that other book?—(A.) Yes, as a rule." Very well, I hope I have sufficiently indicated that we will get that book before us, and then we will deal with it.

(*Sir C. Russell.*) If your Lordship will allow us to clear the matter up that it may not be again referred to. If you will look at the question beginning 16,254—it is a little earlier in my cross-examination—the question is: "I want to know, please, about this book, and I wish to put this with a view of converging it to my Lords directly. This is a volume which is an official volume, I presume?—(A.) Yes, called the Outrage Book. (Q.) Furnished by the authorities?—(A.) Yes. (Q.) It is headed 'Outrage Book'?—(A.) Yes. (Q.) And are all the outrages of every class, agrarian and non-agrarian, recorded in it?—(A.) Yes, every outrage that is reported is recorded in that book. (Q.) That is what I mean, of course. Every outrage reported is recorded in it, whether agrarian or non-agrarian?—(A.) Yes, that is the particulars; just the name, and so on, according to the headings in the book. (Q.) I call my Lords' attention to what the character of the headings is: 'Date and nature of offence. Name and class of life of injured person, and when reported to the constabulary. Sub-district and townland. Persons arrested. Name. Date of arrest. Whether summoned, bailed, committed, or discharged. Date in each case. If information sworn, before whom, and when. Warrants, if issued, by whom, and when. Dates of attempts to execute. Observations, stating result of trial, or any other particulars.' Those are the headings?—(A.) None of the particulars of the outrage are reported in that book, beyond just the names and the nature of the outrage. (Q.) That is what I am asking about. You know, do you not, that these books have been in use since, I think, the year 1845?—(A.) I could not say how long they have been in use. (Q.) At all events, going back a considerable way?—(A.) I do not think they are that length. I think they are not more than about 20 years. (Q.) It may be in this particular form?—(A.) In that form; but I am not sure about that point. I should say about 20 years." Then a little later he goes on to explain how the returns are made to the inspector-general, and how inquiry is made, and how the inspector-general orders it to be recorded, whether the outrage is of an agrarian or non-agrarian character.

(*The President.*) Then it may be taken that, subject to the objection taken through an official, as much of this as possible must be disclosed.

(*Sir C. Russell.*) I understand no objection whatever is taken to this document.

(*The President.*) Nor do I either.

17,167. (*Sir C. Russell.*) I call, therefore, for the Outrage Book kept at your station in the years 1879 and 1880?—I have not it here.

Then I will ask your Lordships to allow me to postpone the cross-examination of this gentleman until we get it.

17,168-9. (*Sir Henry James.*) Where is it?—At home at the station.

(*Mr. Justice A. L. Smith.*) What was the date the Outrage Book started from?

(*Sir C. Russell.*) From December 1880. Whereupon I asked for one for the earlier part of 1880 and one for 1879, and Mr. Scames was good enough to say it would be, or they would be, here this morning.

27 Nov. 1888.]

JOHN GILLOOLEY.

[Continued.]

17,170. First of all, let me make it clear. You were head constable?—No.

17,171. What then?—Sergeant.

17,172. Who was your superior?—Sergeant Lenahan.

17,173. Where?—My superior at Castleisland?

17,174. At Castleisland?—No. The officer there was Mr. Rice, the district inspector.

17,175. Did he live at Castleisland?—Yes.

17,176. Was there an Outrage Book kept at the office you had?—It was not an Outrage Book—it was not called an Outrage Book before it became a district inspector's station. It was called a "Sub-district Crime and Offences Register."

17,177. Called by another name—"The Sub-district Crime and Offences Register"?—Yes.

(*Sir C. Russell.*) That is the book I desire to see, and, my Lords, I shall reserve my cross-examination until it is here.

17,178. (*Sir Henry James.*) Take that book in your hand. Was that book kept since the date which has been mentioned by my friend, Sir Charles Russell, since December 1880—I think that is the date—has that book been kept at Castleisland?—It has, by the district inspector.

17,179. Just look at it?—Yes, I see it.

17,180. Before that time was Castleisland a district or a sub-district?—A sub-district.

17,181. Where was the Outrage Book kept for the Castleisland offences before December 1880?—It was kept by the head constable in charge of the station.

17,182. Where?—At the station.

17,183. At Castleisland?—Yes.

17,184. Is there a book similar to that—just think—kept at Castleisland after the date somewhere before December 1880?—Not similar to that.

17,185. What was the difference in the kind of book?—It is a book where all offences, drunkenness and other such like, are entered down in detail one after the other according to the date.

17,186. Does that show all offences in that book, or only a portion of the offences?—They show only the outrages committed.

17,187. Is that what you call agrarian offences?—Yes.

17,188. But not all offences?—All outrages.

17,189. Outrages, but not all offences?—No.

17,190. But prior to that time the book did show——?—Showed all offences.

17,191. (*The President.*) By offences do you mean agrarian outrages? What is your distinction between agrarian outrages and offences?—There is drunkenness—cases of drunkenness and others—all prosecutions by the constabulary.

17,192. (*Sir Henry James.*) I suppose if there was an ordinary case of picking pockets or a larceny committed that would be an offence, but not an outrage?—All particulars kept by the constabulary.

17,193. Was there any book kept at Tralee?—Yes, there was.

17,194. What book was that?—A similar book.

17,195. For Castleisland before 1880 or not?—Yes.

17,196. You said it was kept at Castleisland station; what was the book kept at Tralee before 1880?—A book similar to this—for all offences.

17,197. Now I think we have the book my friend wants—the book for outrages. Was there a book kept at Castleisland and one kept at Tralee?—That was the district.

17,198. Was that Mr. Gamble the inspector?—Mr. Dobbs.

17,199. Is Mr. Gamble at Tralee now?—Yes.

(*Sir C. Russell.*) Will you let me have the book from 1879 to 1880?

(*Mr. Soames.*) I have sent for the 1879–80.

Inspector WILLIAM DAVIS sworn.

Examined by Sir HENRY JAMES.

17,200. Are you a district inspector of the Royal Irish Constabulary?—I am.

17,201. And were you stationed at Castleisland from the 14th December 1880 until the 15th May 1887?—I was.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,202. Did you attend certain meetings of the Land League soon after you went to Castleisland?—I did.

17,203. Did you attend, for instance, a meeting on the 30th December 1880 at a place called Knocknagoshel?—I did.

17,204. Did you attend a meeting at Castleisland on the 13th May 1881, a Land League meeting?—I did; perhaps I should remark that was a meeting that was not advertised previously, it was only got up suddenly in the town.

17,205. Never mind, it was a Land League meeting?—Yes.

17,206. (*The President.*) Where was this?—At Castleisland, my Lord.

17,207. (*Sir Henry James.*) Castleisland, 13th March 1881. Then I believe there was a Ladies' Land League meeting at Brosna on the 29th May 1881?—Yes.

17,208. And was there a Land League meeting at Knocknaboul on the 5th June 1881?—Yes.

17,209. That was not a Ladies' Land League meeting, but a Land League meeting?—That was a Land League meeting.

17,210. I believe there was also a meeting at Farranfore on the 3rd July 1881?—Yes.

17,211. When you arrived in Castleisland on duty in December 1881, was there a branch of the Land League established in Castleisland?—There was.

17,212. Did you know a person named Patrick D. Kenney?—Yes, I knew him.

17,213. Who was he?—He was the president of the branch of the Land League in Castleisland at that time.

17,214. Did you also know a person of the name of Timothy Horan?—I did.

17,215. Who was he?—He was the secretary of the branch.

17,216. Was there a branch of the Land League at Brosna?—There was.

17,217. And this place you have mentioned, Knocknagoshel?—Yes, there was one there also.

17,218. Was that established in December 1880—you gave the date of the 30th December 1880?—The 30th December 1880.

(*Sir Henry James.*) As we have previously explained to my learned friends, I will follow one case—the death of Mr. Herbert—first, although it will go in matter of date beyond the period I shall have to return to.

17,219. At the meeting which took place at Knocknagoshel on the 5th June 1881, did you hear Mr. Arthur Herbert's name mentioned?—I did.

17,220. What was said about him, please?

(*Sir Charles Russell.*) Again I would ask, are we to have reiterated proof of the same thing?

(*The President.*) Has this been proved?

(*Sir Charles Russell.*) Yes, in a speech read days ago.

(*Mr. Justice A. L. Smith.*) Not with regard to Mr. Arthur Herbert.

(*Sir Charles Russell.*) Yes, my Lord.

(*Mr. Justice A. L. Smith.*) It only came in in the evidence of Huggins—Mr. Herbert's death.

(*Sir Charles Russell.*) Long ago it was read in one of the earlier speeches.

(*Mr. Justice A. L. Smith.*) Do you mean weeks ago?

(*Sir Charles Russell.*) Weeks ago.

(*Sir Henry James.*) I have not heard any cross-examination as to the speeches at Knocknagoshel; I think I am right; it is only for the purpose of bringing the sequence of the tale before your Lordships.

(*Sir Charles Russell.*) If that is so, I do not object to its being mentioned as part of the story.

(*The President.*) You merely call attention to the fact as part of his narrative.

(*Sir Henry James.*) Yes, but if my learned friend says this has been referred to before will he kindly give me the page?

(*Sir Charles Russell.*) It is the "Old Herbert" speech, one of the earlier ones.

(*Sir Henry James.*) I meant at Knocknagoshel.

(*The Witness.*) Knocknaboul.

17,221. (*Sir Charles Russell.*) I have got it Knocknagoshel, that is not so?—No.

(*Mr. Reid.*) I will remind my learned friend that he proved that speech, and proceeded to ask: Is it within your knowledge a few days after that Mr. Herbert was murdered?

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

Mr. Lockwood said No; and then the question was withdrawn, and it turned out to be ten months before. I have it in my memory.

(*Mr. Justice A. L. Smith.*) It was when one of the shorthand writers was in the box.

(*Mr. Reid.*) Yes, my Lord.

(*The President.*) I understand Sir Henry James is not going into the details of the story.

(*Sir Henry James.*) No, my Lord, I wish to show the sequence; we cannot get the picture without.

(*Sir Charles Russell.*) I am not objecting to that, but my learned friend was asking this gentleman whether he recollected what was said at the meeting when we have already had that.

(*Sir Henry James.*) I was asking whether anything was said about Mr. Herbert.

17,222. What was said about Mr. Herbert at the meeting?—He was referred to as having been the man who carried out an eviction in that neighbourhood very recently, and levelled the house.

(*The President.*) That is at Knocknaboul, I understand?

(*Sir Henry James.*) Yes, my Lord, so I understand; it is the 30th December.

(*Sir Charles Russell.*) No, the 5th June 1881.

(*The Witness.*) The 5th June 1881.

17,223. (*Sir Henry James.*) At Knocknaboul?—Yes.

(*Mr. Reid.*) It is at page 364.

(*Sir Charles Russell.*) If your Lordship will refer to the shorthand notes at page 364 you will see it.

(*Mr. Justice A. L. Smith.*) Yes.

17,224. (*Sir Henry James.*) Before we come to Mr. Herbert; did any outrages follow immediately after the 5th June 1881?—Several.

17,225. Was there an attack upon a person's house of the name of Hugh Brosnin?—There was.

17,226. At any time did Mr. Herbert show to you (I only remark it for the moment) a letter purporting to be signed by Timothy Horan?—He did.

17,227. Did you take a copy of that letter?—I did.

17,228. When was it that Mr. Herbert showed it to you?—I cannot give you the date, but my copy and my report of the occurrence will tell it; I cannot at this moment, for I have not seen it since.

17,229. Did you take the copy at the very time Mr. Herbert showed it to you?—The very day.

17,230. Did you give that letter back to Mr. Herbert?—I did; he would not leave it with me.

17,231. You have your copy that you took at that time?—I have not it.

17,232. Do you hear what I say; have you the copy which you took at that time with you?—No.

17,233. Where is it?—I could not tell you.

17,234. Where was it?—I forwarded it in the usual way through my county inspector.

17,235. After Mr. Herbert's death did you apply to any one for leave to examine his papers?—Yes, his mother.

17,236. Did you go to Mr. Herbert's house?—I did.

17,237. Where was that?—Kilientierna is the name of the place where they live.

17,238. Did you search amongst Mr. Herbert's papers for that letter?—I did, and other papers.

17,239. Whereabouts did you search?—He had papers in several drawers. There was a chest of drawers in the place, and I searched those.

17,240. And could you find the original letter?—No.

(*Sir Charles Russell.*) I do not in the least object, if this gentleman says he knows the handwriting of the letter as that of Mr. Horan, the secretary.

17,241. (*Sir Henry James.*) Can you tell me the name of the district inspector you sent it to?—I forwarded it through the county inspector, who was at that time Mr. Cruice, and I am sure it must be forthcoming.

(*Sir Henry James.*) I am told the gentleman who has it is unwell. I know, according to the strict rules of evidence, that I can take it from memory.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*The President.*) But Sir Charles Russell directs your attention to another point, namely, the handwriting of the original.

(*Sir Henry James.*) I was going, first of all, to prove the copy.

17,242. Do you know Timothy Horan's handwriting?—I do.

17,243. What opportunity had you of seeing him write?—I had several letters from him.

(*Sir C. Russell.*) If Inspector Davis says he knows the handwriting we will not question his statement about it.

17,244. (*Sir Henry James.*) Was the letter that Mr. Herbert showed to you in the handwriting of Timothy Horan?—I believe it was; I did not know much about him then, but from what I know since.

17,245. From what you know about him now as far as you can judge was that letter in his handwriting?—Oh, I have no doubt of it.

(*Sir Henry James.*) Then my learned friend, Sir Charles Russell, has no objection to this copy being read.

(*Sir Charles Russell.*) Subject, of course, to your producing the original.

(*Sir Henry James.*) I will make no promises again which I am not quite sure I can fulfil. The document has not been seen by the gentleman who instructs me, and therefore I can only say we believe it is in his hands and not destroyed.

17,246. From your memory does that represent a copy of it?—Yes.

(*Sir Charles Russell.*) Very well, we do not object.

(*Sir Henry James.*) This is a letter signed by Timothy Horan, the secretary.

(*Sir Charles Russell.*) What is the date?

(*Sir Henry James.*) The date comes in the letter; the letter is undated, but the approximate date is shown by the contents, "I am directed to call your attention to certain statements made against you at our last meeting by Eugene Connor, with reference to his farm at Barnakeel, as also by Breen Devise, concerning the farm at Gourbeg. It was resolved at this meeting that you would be respectfully requested to attend at our next meeting of the League, which will be held on Sunday next, 2nd January 1881."

(*Sir C. Russell.*) I call your attention to the date.

(*Sir Henry James.*) That is observation.

(*Sir C. Russell.*) It is rather observation.

17,247. (*Sir Henry James.*) Do you know where the farm at Barnakeel and the farm at Gourbeg are situated?—I do.

17,248. Are they on Mr. Herbert's estate?—Yes.

17,249. In May 1881 was a tenant of Mr. Herbert's evicted, a man named Donohoe?—A tenant of Mr. Hartnett's, for whom Mr. Herbert was agent.

17,250. And was Mr. Herbert present at that eviction?—He was.

17,251. I do not wish to repeat this. Your Lordships, I think, have the date, March 1882, when Mr. Herbert was murdered. I believe Mr. Herbert was murdered, and you saw the body, and there were three shots?—There were three shots.

17,252. (*Sir C. Russell.*) Had not you better give the date in this connexion?—That was the 30th of March 1882.

17,253. (*Sir H. James.*) Did you send the clergyman, Mr. Moriarty, to break the news to Mr. Herbert's mother?—I sent for the clergyman to do so.

17,254. The night after Mr. Herbert's death, after the murder, were any of his lambs injured?—13 of them.

(*Sir C. Russell.*) Are we to have this again and again?

(*Sir Henry James.*) May I remind your Lordships that when I attempted to prove this, the objection was taken that the witness who spoke to it did not know anything about it.

(*Sir C. Russell.*) I assure you you are wrong.

(*Sir H. James.*) He said he could not prove it.

(*Mr. Justice A. L. Smith.*) "How many lambs were killed?—(A.) I could not say how many were killed; I saw one."

(*Sir H. James.*) Yes, that is it, my Lord, and I am taking it shortly, and my friend is objecting to every question.

(*Sir C. Russell.*) Because we are sick of it.

17,255. (*Sir H. James.*) Now, Mr. Davis, will you tell me how many lambs were murdered to your knowledge, if I am allowed to put the question?—Thirteen.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,256. Were those lambs found on the lawn near Mr. Herbert's house?—Yes.

17,257. To your knowledge was Mrs. Herbert boycotted after the death?—She was. It was I supplied her, so long as she remained there, with anything she wanted.

17,258. Had you to take steps to procure food for Mrs. Herbert?—I had. Perhaps I should remark that she felt herself boycotted, and I do not know whether she made any attempt to get anything, but she said she felt so to me, and she asked me to get things for her, and I did.

17,259. We have the book here, from December 1880, that has been called the Outrage Book; that was the book that was kept (*handing same to witness*)?—Yes, that is the book; I know it.

17,260. That was the book that was kept after December 1880?—From December 1880.

(*Sir H. James.*) Now, my Lords, I will follow your Lordships' wishes and my friend's suggestion, and take this as shortly as I can, but there were certain specific cases that we did postpone for this witness.

(*Mr. Justice A. L. Smith.*) From the 30th of March to the middle of April?

(*Sir H. James.*) Yes, my Lord. May I ask what year your Lordship is referring to there?

(*Mr. Justice A. L. Smith.*) 1882. I dare say there were some before, in 1881, the 28th and 29th of April 1881.

17,261. (*Sir Henry James.*) I think that was Davis—just turn to the 28th and 29th. Is there something in November 1881?—I have got November 1881.

17,262. Had you yourself any outrages to investigate at that time?—I investigated almost every outrage committed in that district when I was there.

17,263. What have you in November 1881?—The first I find is "threatening notice Thomas Pegley, blacksmith."

17,264. Threatening notice to him?—Yes.

17,265. Was there anything else?—There is the notice, of course—the notice was threatening him with death if he worked for parties who had paid their rent.

17,266. That is in that book?—That is in this book, and that is in my writing.

17,267. (*The President.*) What date is that?—The 2nd of November, my Lord; the next is "Intimidation of several farmers."

17,268. (*Sir C. Russell.*) Give the date, please?—Robert Twiss.

17,269. The date, please?—The 7th, that we heard it. Mary O'Connor, Francis Twiss, Margaret Ryan, Will Collins. Those persons were visited by an armed party at night.

17,270. (*Sir H. James.*) What is the next you have there? Have you the 12th of November 1881?—The 10th of November is a boycotting notice and entering into a building, the property of Walter Costello. That is one Mr. Huggins deposed to.

17,271. I want those, please, as far as you can give them that were given to yourself. There were some that Mr. Huggins did not prove. Will you give me those. I think you have them there?—I do not know the ones he proved. The next one is one I investigated when it occurred.

17,272. What date is that?—The 12th of November 1881; the firing at Thomas Galvin.

(*Mr. Justice A. L. Smith.*) We have had that.

(*Mr. Reid.*) That was proved by Mr. Huggins in detail.

(*Sir H. James.*) I have the list of those he did not prove.

(*The President.*) The first one seems to be on the 29th of November, which Huggins referred to.

(*Sir H. James.*) It is Question 15,952.

(*The President.*) Yes, that is it.

17,273. (*Sir H. James.*) Between the 28th and 29th of November 1881 there is an outrage reported to you. It is reported to you on that date, I think. Is not it the land of a man named Horan? Another Timothy Horan called Thady Horan. Look under the 18th of November?—Yes.

17,274. You inquired into that?—I did.

17,275. State shortly, if you please, what that was?—Timothy Horan paid his rent and he alleged at the time that it was because he did so that the coping of his wall was thrown down.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,276. Who was this Thady Horan?—He was a farmer on Mr. Herbert's estate at Cahirmane.

(*Sir H. James.*) The next question my Lord, I think, which refers to Davis is 15,988.

17,277. There are some January outrages, I presume, in 1882?—There is one of the 14th of November I find in this book which Mr. Huggins did not know anything about, I fancy. Malicious injury to a horse, which was killed, belonging to a man named Lyons, of Brosna.

17,278. Did you investigate that?—I did.

17,279. State shortly, please, what was the nature of that outrage?—The motive assigned at the time was that this man used to drive the police about when they wanted cars.

17,280. What happened to his horse?—It was killed. It died from the injuries it sustained.

17,281. Now, will you go on, please, to January 1882. We have several that Huggins did not prove—January and February. Can you mention them? They are in January and February 1882?—First, a threatening notice I find in January to Mary Leahy. That is in Brosna—notice threatening Mrs. Leahy and others if they paid their rents. That is the first one I find, the 3rd of January 1882. The 6th January 1882, firing into dwelling-houses, intimidation Patrick Begley, Daniel McCarthy, John Tangney, Charles Horan, and David Hicky. They alleged all those had reference to the payment of rent.

17,282. (*Mr. Reid.*) Here again this raises the question. Does that appear in the book having reference to the payment of rent?—No, that is from my recollection.

(*Mr. Reid.*) If that is so, it comes within the rule. If the report appears in the book, it is admissible and admitted. I mean we raise no objection; but the other matter, namely his conversations with other persons, information derived from other persons, falls outside the rule and is not admissible, and I submit these questions ought not to be asked.

(*Sir C. Russell.*) And your Lordship understands, of course, to supplement that, that if the other book is produced we have no objection at all.

(*Sir H. James.*) I really think my friend's objection is exactly in accordance with your Lordship's ruling. I am not endeavouring to depart from it. I endeavour to accept what my friends have said. We accepted that view. I do not wish to depart from that.

17,283. Will you refer to the fact now?—I will illustrate it in one way by one of those people.

(*Sir C. Russell.*) I think you had better not.

17,284. (*Sir H. James.*) We must have from you what is in the book?—Simply the entry, this being a register. It is simply firing into dwelling-houses and intimidation.

17,285. We will take that, please, firing into dwelling-houses and intimidation. Is that there?—That is there.

(*Sir H. James.*) That will do for us so far as it goes. I will not hold out any threat to my friend, but there may be cases in which we shall have to supplement this general evidence with some particular evidence; but my friend is quite right in taking the course he does now, I quite feel.

17,286. Now go on, please?—The next is: "Threatening notice to John Sheehy, 9 January 1882.

17,287. What is in it?—Notice threatening Sheehy with death if he paid his rent.

17,288. Is that in the book?—Yes, that is in the book.

17,289. Now, the next in January?—The next: "13th January 1882, levying contributions, Johanna Reidy." That was a deformed woman who lived in a back place. Men came in and deprived her of 4/.

17,290. We are willing to take what is in the book at present. Now go on to the next?—Firing into dwelling-houses, 8th January 1882, Timothy Connell, Denis Guiney, Daniel Curtin.

17,291. What is it?—Firing into dwelling-houses.

17,292. Go on to the next?—"14th January 1882. Killing cattle. John Fleming."

(*Sir C. Russell.*) That we have already had.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,293. (*Sir H. James.*) I want only yours, please. Take it shortly. January and February?—"6th January 1882. Alleged intimidation. John William Lane." That is the only entry in the book. "27th January 1882. Threatening letter. "Timothy Murphy. Notice threatening Murphy with death if he did not allow a "Land League hut, for a man named Myers, an evicted tenant, to be erected on his "farm."

17,294. Are those January and February?—That is the 27th January 1882.

17,295. You need not go to the 5th and 6th February; that we have had. Pass on to the next, please. Those are threatening notices?—Yes, there are several.

17,296. Have you more than Huggins spoke to?—I have one on the 2nd, the 5th, the 6th, and the 5th again. They were reported then, I think, and the 3rd.

17,297. We will take those. Go on?—Threatening notices—Arthur Gloster and Timothy Devine—three notices threatening any person with a visit from Captain Moonlight who held any intercourse with Gloster, or sent their children to the Furies Female School so long as the teacher resides with Gloster.

17,298. You have got the notices, I think?—I will just see if I have got them now.

17,299. I want to save as much time as I can?—I could not say I have them unless I look over the book.

17,300. You have them in the book?—That is in the book which I read to you just now.

17,301. Now go on, please?—2nd February 1882. Threatening notice—Timothy Connell—a notice threatening with death any person who dealt with Connell, and calling on the people to boycott him, and offering a reward for the names of informers or persons paying rent. That is in the book. 6th February 1882. Threatening notice—Daniel O'Keefe.

17,302. That you need not read. We have had it?—The 5th February comes next. Threatening notice—sundry tenants. I think you have had that also.

17,303. We have had John Brosnan and Denis Leahy. We will pass on?—This, the one I read out for the 5th, does not refer to Leahy and Brosnan.

17,304. (*Sir C. Russell.*) It refers to Drummond?—It refers to Drummond. 3rd February 1882. Threatening notice—Michael Connell.

17,305. (*Sir H. James.*) That I do not think we have had?—No, you could not have had it.

17,306. Read it?—Notice threatening Connell with death if he paid his rent, and threatening with death any person who speaks to or lets him inside the door.

17,307. Now give me the next, please, you have?—The 2nd February, threatening notice, Patrick O'Brien. Notice threatening O'Brien with death if he continued to supply the police with provisions. 6th February 1882, threatening notice, sundry labourers. Notice threatening labourers who worked for farmers who did not give them half an acre of land. 18th February 1882, threatening letters, John Sullivan.

17,308. I have two farmers threatened not to pay their rent?—Yes.

17,309. What is the next after 18th February?—19th February, threatening notice. Sundry tenants on the Drummond estate. That is a notice posted, threatening with death anyone on Mr. Drummond's property who paid their rent.

17,310. What is the next after the 19th? I have one of the 21st?—That has been spoken to. That I did not consider myself an outrage, and it is not reported.

17,311. (*Sir C. Russell.*) What is that one?—Firing into a dwelling-house and administering an illegal oath to Daniel McCarthy and Denis Lenihan. The offence was committed, but I think it was a friendly matter.

17,312. (*Sir H. James.*) It did not take effect you will find?—26th February 1882, threatening notices, several tenants and labourers. Threatening any person with revenge of Captain Moonlight who paid his rent or held any conversation with the police at Knockrour protection post. 28th February 1882. Intimidation, agrarian, of Cornelius Hickey. It was one Mr. Huggins could not speak to. 27th February 1882. Threatening notice, Timothy Connell. Notice threatening with death any person who holds any conversation with Connell.

17,313. That we have not had?—No, you could not have had it. I think you have the 6th March from Mr. Huggins—the attack on Dooling.

17,314. (*Sir H. James.*) Yes, we have. We have from the 6th of March. Read those in March?—Intimidation, agrarian, Cornelius Sullivan, William Prindiville, Timothy Prindiville, and Maurice Flaherty. The note is not given in the margin how the intimidation occurred.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,315. Read the nature of the offence?—Intimidation, agrarian.

17,316. Now the next?—The 11th March 1882, threatening notice, sundry tenant farmers. Notice threatening any person who paid rent or entered the Land Court. 10th March 1882, house attack, and firing at the person of Timothy Connell, Mary Connell, and Ellen Connell. 11th March 1882, threatening notice, William M. Saunders and Daniel Casey. Notice threatening Casey if he did not give up Mr. Saunder's employment.

17,317. That is not the case of Miss Saunders, we had?—I think that case was where the house was attacked.

17,318. Yes, that is another house?—It is the same person, but not the case. 12th March 1882, threatening notice, sundry farmers and bailiffs; notice threatening any person who paid his rent, and offering 300*l.* reward to any person who would give information of any person paying, and 500*l.* to any person who would shoot a bailiff.

17,319. (*Mr. R. T. Reid.*) Who is that signed by?—The signature is not to it.

17,320. (*Sir H. James.*) Proceed, please?—13th March 1882, intimidation, agrarian, John Prindiville and John Cullinane, Patrick Sullivan, John Horan, Humphrey Kerin and John Culloty.

17,321. We have had the Cullotys. Culloty was shot, I think?—Yes, but that was not the occasion of this. This was the night his house was visited, which he deposed to himself.

17,322. It is the same John Culloty who was shot on the 17th of April 1882?—It is the same.

17,323. What is your entry as to the visiting of the house of John Culloty?—The entry is not in this book.

17,324. What have you there?—Intimidation, agrarian.

17,325. What is the date of that?—The 13th of March 1882.

17,326. This man Culloty who was so visited was a rent warner on Miss Busteed's property?—He was.

17,327. Have you anything more?—The 17th of March, threatening letters; tenants, McMahan; threatening with death any person who would not vote for the Land League candidate for the election of guardians.

17,328. That is in the book?—That is in the book. There are a number of others who received the same. John Prindiville —

17,329. About how many?—There are 13 altogether.

17,330. Reported as receiving such notices?—Yes.

17,331. Now the next date?—The 17th of March 1882, threatening notice, Arthur Gloster, Samuel M. Hussey, and Robert McCowen. A notice was posted at Clounmulane offering 500*l.* for the head of a landlord, agent, or bailiff, or any person paying his rent.

17,332. The next?—The 25th of March 1882, threatening notice, Patrick O'Brien; notice posted offering 15*l.* reward for the names of any persons dealing with persons who supplied police or emergency men with provisions, and threatening O'Brien with buckshot for supplying them.

17,333. The next?—The next is the murder of Mr. Herbert.

17,334. That is the 30th of March?—Yes.

17,335. Have you anything between the 30th of March and the 17th of April, because that is what Huggins proved?—Yes, the 29th of March.

17,336. I said between the 30th of March, when Herbert was shot, and the 17th of April?—I have the 2nd of April, threatening notice, John Wolfe and John Connors. Notice threatening with Mr. Herbert's fate any person who held any conversation with land-grabbers.

17,337. Go on, please?—The 2nd of April, threatening notice; tenants on the Drummond estate. Notice posted threatening to shoot any of the Drummond tenants who paid their rent. The 4th of April, threatening notice, John Fitzgerald. Letter received by Brosnan (it seems somebody else must have received the letter), threatening him if he entered the Land Court or settled with his landlord. I presume Brosnan was one of the tenants. 6th of April, alleged malicious burning. That is one of the cases not recorded. 9th of April, alleged malicious burning, Patrick Drew. That is the only entry. There is nothing in the margin. The 15th of April 1882, malicious burning, Lord Headley. The 16th of April, intimidation, agrarian, Bartholomew Daly, Dennis Daly, and John Curtin.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,338. Go on up to the 25th?—The 17th of April, firing at the person of John Culloty. 21st of April 1882, threatening letters, Jeremiah Collins. There are 10 of them—10 letters. These are people who received a letter threatening them with death if they paid their rent without getting a fair settlement. 19th of April, threatening letters, Timothy Horan and Charles Daly. Horan and Daly received letters threatening them with death for being spies. That is the Horan whose wall was thrown down.

17,339. Thade, not Timothy the secretary?—No, not at all. The next, the 26th of April 1882, threatening notice Daniel Cotter and Bessie Sheehan. A notice posted at Brosna, W., threatening Bessie Sheehan that Captain Moonlight would visit her if she did not leave Cotter's employment, because he came to terms with his landlord without the other tenants. 28th of April, threatening letter, Kate Sheehan. Kate Sheehan received a letter, signed Captain Moonlight, threatening her if she did not take her daughter out of Daniel Cotter's, where she was at service, because he settled with his landlord.

17,340. The next?—Threatening letters, James Erraght, 25th of April.

17,341. You may pass that?—Then the 1st of May 1882, threatening notice, Daniel Lyons. Lyons received a notice under his door threatening him with a visit from Captain Moonlight if he did not take his cows off a farm where he had them grazing. 2nd May 1882, threatening notice, Maurice Quinlan. Notice posted on Quinlan's door threatening any farmers with death if they did not treat their servants well. 3rd of May 1882, threatening notice, sundry tenants. I think it was to that Mr. Huggins spoke, because it is a notice threatening with death any persons who paid their rent to Mr. Raymond until they got 30 per cent. reduction, and offering 30*l.* reward for the name of any person that did so. The next is the 27th of April 1882, threatening letter, Dennis O'Connor and Edward Boyle. O'Connor received a letter threatening him if he allowed Edward Boyle to frequent his house. 7th of May 1882, threatening notice, John Culloty.

17,342. We have got that. Pass on?—The 7th of May 1882, threatening and boycotting notices, Daniel Cotter, and sundry shopkeepers. Notice posted, calling on the shopkeepers to boycott Daniel Cotter for settling with his landlord. 10th of May 1882, threatening notice, Myles McSweeney and sundry labourers. A notice was posted warning any person who worked for McSweeney unless all the men in the place were employed and they got 10*s.* per week, that they would meet Mr. Herbert's fate. 7th May 1882, threatening notice, Timothy Connell. Notice threatening to break Connell's other hand and leg if there was many more police protecting him. 14th of May 1882, threatening notice, Michael Callaghan. Notice threatening with death any person who took grazing from Callaghan.

17,343. Do not read Callaghan and Lynch. The 14th of May to the 29th May. Huggins said you proved?—You do not mind Lynch, then.

17,344. We do not want Lynch?—"15th May, threatening notice, James Black. " Notice threatening with death any person who worked for or supplied milk or butter " to James Black. The workmen all left his employment in consequence of the notice, " but returned the next day. 14th May 1882, malicious burning, Robert Drummond. " 17th May 1882, malicious burning, Robert Drummond, James Curtin, Edward " Walsh, James Donohue, and Thomas and Denis Murphy."

17,345. What does that refer to?—It refers to mountain; it is heath. "17th May 1882, threatening letter, Timothy Brosnan." A letter was sent to Brosnan threatening him with death if he did not send away a servant girl he has employed. 28th May 1882, threatening letter, Maurice S. Reidy. Letter received by Mr. Reidy, threatening him with the fate of Arthur E. Herbert. It does not give any reason.

17,346. Is that up to the 29th May?—The 28th is the last I gave you. There is another of the 28th. Malicious burning, Daniel Lyons.

17,347. The next, please?—29th, threatening notice, Arthur Gloster. A notice was posted offering a reward of 30*l.* for the name of any person who had dealings with Gloster, and threatening with death any person having dealings with him. 29th May, malicious burning, Eneas Lane. 2nd June 1882, firing into dwelling-house, Honoria Costello, Thos. Cahill, and Jeremiah Cahill. 4 June, threatening notice I think you have had this also, Edward O'Shaughnessy.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,348. Read the 4th June?—Threatening notice, Edward O'Shaughnessy, Dennis O'Connell. A notice was posted at Ballyduff, threatening O'Connell and O'Shaughnessy with death for having paid their rents.

17,349. We will summarise. I believe during the early part of June, going up to the 26th, there were a great many threatening letters received?—A great number.

17,350. And boycotting notices?—Yes.

17,351. Do not these go to anything up to 26th June? What have you after the 26th June?—The first I find is the 9th July, "Boycotting notice."

17,352. Read it briefly?—9th July, boycotting notice, Michael Collins. Notice posted warning labourers at their peril not to work for Collins, nor go into his house. 11th July 1882, firing at the person of James Kearney. 9th July 1882, threatening notice, Norah Duggan. Notice posted, signed by Captain Moonlight, threatening her with death if she did not leave the police.

17,353. That is the 9th July?—The 9th July.

17,354. (*Mr. Reid.*) It is all set out?—No, you could not have this one. "Notice posted, signed by Captain Moonlight, threatening her with death if she did not leave the police who had her employed as servant, and she left in consequence of it."

17,355. (*Sir H. James.*) What is the name there?—Norah Duggan.

17,356. The next, please?—The next is 11th July, threatening letter, Edward Prindiville. I think you have had it.

17,357. Yes?—Threatening notice, James Erraght, 13th July; the next one is not recorded. "15th July, malicious burning, Patrick Connor, farmer." "17th July, threatening letter, Edward Prindiville," you must have had that.

17,358. Do not go back to Prindiville?—There is one 16th July 1882. "Threatening notice, Bryan Sullivan." A notice was posted threatening Sullivan with death for working a mowing machine. "17th July 1882, threatening letters, John Galway and John Collins." Galway and Collins received letters threatening them if they attended Mr. Meredith's auction. They did not attend. "17th July 1882, threatening notice, John Keane." A police patrol found the notice posted threatening Keane if he did not give back compensation which he was awarded by the Grand Jury for injury to a pig. "17th July 1882 malicious injury, Cornelius Moynihan." In that case, Moynihan considered the damage too small to seek compensation; such is the note here. "18th July 1882, threatening letter, James Harmer." Harmer received a letter threatening him that he would be shot if caught out without protection. He had been a man in Mr. Drummond's employment. "22nd July 1882, threatening letter and intimidation, James Moloney." Moloney received a letter threatening him with lead in the skull if he did not give up a farm which he holds. 31st July 1882, boycotting notice.

17,359. I think 21st, 26th, and 27th, to the 3rd September, were people threatened?—Yes.

17,360. Then I will not trouble you as to those. We pass from July and, I think, you come to September and October. I see that Huggins said Inspector Davis would speak to those?—Yes.

17,361. Now give me those for September and October, please?—3rd September 1882.

17,362. In the first place were there any in August except Powell's horse?—Yes, there were several.

17,363. Give me the August ones, please?—13th August 1882, threatening letter, Dennis Bradley. Bradley received a letter threatening him with the death of a traitor if he did not leave Mr. Meredith's employment. Intimidation; firing shots at Patrick O'Connor on the 15th August 1882. 26th August 1882, threatening letter, Edmund Prindiville. You must have had that, I think. Prindiville received a letter threatening him with death if he persisted in anti-Land League work or entertained bailiffs. 27th August 1882, threatening letter, Thomas Babington, William Babington, and Henry I. Hungerford. A letter was received by Thomas Babington, threatening him with death if he did not take his cow off a farm, the property of Mr. Hungerford, from which a tenant was evicted, and threatening his son William with death if he did not cease working a mowing machine for Mr. Hungerford.

17,364. The next?—The 3rd September, threatening notice, sundry tenants. I think you must have had it.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,365. I have 3rd September, people threatened. Pass on to the next?—8th September, manslaughter of Patrick Couniham; 10th September, threatening letter, Cornelius Doyle and Pat O'Connor.

17,366. (*Sir C. Russell.*) Is there anything about Couniham?—No, therefore I passed it by. Doyle received a letter threatening him if he worked for, talked to, or walked with Patrick O'Connor, his master. 9th September 1882, threatening notice, Lawrence Hickey and Mary Murphy. A notice was posted threatening with death any person who had dealings with Hickey or Mrs. Murphy, his daughter.

17,367. (*Sir H. James.*) We have had Hickey mentioned, I think, before?—Yes, in several places.

17,368. (*Sir C. Russell.*) I think that is one the Inspector-General said was not to be recorded?—19th September 1882, threatening notice, Catherine Quinn. A notice was posted on Mrs. Quinn's window, and another on the back of her house, threatening her for being a spy. 21st September 1882, threatening notice, John Connor and Cornelius Connor. A notice was found posted on John Connor's house, threatening him for driving Thomas O'Connor, Lord Headley's land bailiff. 14th September 1882, threatening letter, Michael Costello. A letter threatening him with death was received by Costello, unless he gave up a farm which he had taken. 27th September 1882, threatening letters, David Nagle. That is a case which is not recorded. The next is the murder of Thomas Brown.

17,369. We have got that. Thomas Brown was shot dead in a field?—Yes.

17,370. Between the 3rd of October 1882 and 30th November threatening notices, or raids for arms. I will not go through them. Can you tell me about how many occurred between those dates—such offences as are entered in the book and reported?—There are 18 from the 3rd October.

17,371. How many in November?—I beg your pardon, I gave you all. Six in October.

17,372. How many in November?—Ten in November; and there is a seventh in October, which was not reported till the 14th of November.

17,373. It is immaterial about that. Are those raids for arms and threatening notices?—There are a great many threatening notices. There is a case of cattle stealing amongst them and a robbery of arms. That is the only one I see. There is a case of intimidation, visiting a house by an armed party.

17,374. I do not want to go into Daniel Carey's case, or the others you have proved. What have you after the 30th of November. Take the December ones?—Intimidation, by firing shots at Anthony O'Connor, 2nd December 1882.

(*Mr. R. T. Reid.*) Allow me to remind you at the bottom of page 1047 you proved the number of outrages between those dates.

(*Sir H. James.*) You are quite right. Between the 30th November 1882 and 25th February 1883 there were 33 outrages.

(*Mr. R. T. Reid.*) Thirty.

17,375. (*Sir H. James.*) I have 33. You are quite right, 30 outrages were reported; then I have got two that they included, threatening notices, intimidation, firing shots, and raids for arms. That brings me to 25th February 1883. Between the 25th February 1883 and the 14th May have you anything?—Yes, the 4th March.

17,376. What is that?—A boycotting notice. A notice was posted threatening any person who would speak to Brien or Cahill or Caulfield in consequence of their being friendly with John Culloty.

17,377. That is the 4th March 1883?—Yes, boycotting notices to Bartholomew Brien, John Culloty, Thomas Cahill, and John Caulfield. A notice was posted threatening any person who would speak to those persons, in consequence of their being on friendly terms with John Culloty.

17,378. 7th of March?—Threatening letter, Patrick Kearney. He received a letter threatening him if he did not banish a servant boy he had, whose brother was employed by Mr. Brown of Dromulton.

(*Mr. R. T. Reid.*) We are not complaining at all; my friend is entitled, if he likes, to prove all these notices, but I would suggest to him that, just as he previously asked the number of outrages between 30th November 1882 and 25th February 1883, and got 33 in answer, and also got a general description of them. I am speaking of page 1048 as including threatening notices, intimidation by firing shots and raids for arms, so I would suggest, though I admit I cannot press it, if my friend is averse to it, that

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

he might do the same thing, because all these notices are substantially the same, and the only difference is in the names, which do not bring anything to your Lordships' mind. It is a suggestion I would make.

(*The President.*) I must say I agree. We have got a general sufficient number of examples of the kind of threatening notice.

(*Sir H. James.*) Yes, that is the only object I have. The witness gives a summary in many instances, but I should like your Lordship to have a few examples only, and I will keep to that.

17,379. I think you have got to the 4th of March?—Yes.

17,380. Give me, please, the kind of notices given in the spring of 1883. Read me two or three of them please?—There is one of the 11th March 1883. Threatening notice, Timothy Kerin. A notice was posted threatening any person who associated with Mrs. Brown of Dromulton, Timothy Kerin, or John Culloty. Mrs. Brown is the wife of a man who was murdered.

17,381. Give me one or two after the 4th March?—Threatening letters, Thomas Nolan and John Nolan, 10th and 17th March. The two Nolans received letters threatening them for having paid their rents. 19th March 1883, threatening notice. A notice was posted threatening any person who purchased a farm which Mrs. Sullivan had for sale. Ellen Sullivan is the name of the person.

17,382. Finish that?—21st of March 1883, threatening letter, Maurice S. Reidy. Mr. Reidy received a letter threatening him, in order to compel him to give his support to the national candidate for Poor Law guardianship.

17,383. Go on?—16th of March 1883, threatening notice, Timothy Kerin and Mahony. A notice was posted threatening Mahony with death if he did not leave Kerin's employment. The next is the 5th of April, levying contributions. 9th of April, robbery of arms, John O'Keeffe.

17,384. Make a break please. On the 14th of May 1883 we have it proved James Walsh was murdered?—No, he was seriously wounded.

17,385. Three gun-shot wounds were received?—Yes.

17,386. During the rest of that year, the 14th of May 1883 to the end of the year, how many outrages were reported. I believe crime diminished at this time?—Yes. In 1882 it reached the highest.

17,387. I want you to give me those in 1883?—Forty-six as nearly as I can give it.

17,388. That brings it to the end of 1883?—Yes.

17,389. I will take it from you. Can you give me, please, the outrages in 1884?—Yes, I can give you the outrages for each year.

(*Mr. Justice A. L. Smith.*) We have got them, I think.

(*Sir H. James.*) I do not think they have been summarised.

(*Mr. Justice A. L. Smith.*) Look at Question 16,128.

17,390. (*Sir H. James.*) That is from the 21st of January to the 5th of July?—I can give you from the 1st of January to the 31st of December 1884. There were 61 outrages reported.

(*The President.*) How can that be? There were 84 outrages reported in the first half of the year.

(*Mr. Reid.*) May I suggest when you get the Parliamentary return—it will all appear in the Parliamentary return under date, month, and class of outrage, not in this district, I admit, but in Kerry.

(*Sir H. James.*) Your Lordship sees the difference. If I could summarise them, and had admissions from my friend that the reports were entirely correct without comment, it would be different.

(*The President.*) I suppose it will be taken as correct as to the reports made, but subject to the observations as to the value of them.

(*Sir C. Russell.*) Certainly.

(*Mr. Reid.*) Whatever vice there is in the Parliamentary return, if there is any, is equally present in the reports made by the constabulary.

(*Sir H. James.*) We have a witness now in the box who investigated these cases, and he is now open to the cross-examination of my learned friends. Therefore, we are getting rather more to the fountain than if we simply look to the report without saying more.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*The President.*) I only thought the object was to save you the trouble of going into these details as to numbers—that they might be taken from the Parliamentary report as to the numbers, subject, of course, to cross-examination.

(*Mr. Reid.*) That is so, and we are not substantially going to inveigh the accuracy of these returns.

(*Sir C. Russell.*) We are not going to say the returns do not purport correctly to give the outrages that were reported to the police.

(*Sir H. James.*) Ah, that is just the point. Your Lordship sees what it is. This witness investigated what was reported to the police and tested it.

(*The President.*) That is a matter of observation.

(*Sir H. James.*) Yes, but it is a matter of cross-examination too.

(*The President.*) True. The cross-examination is to come.

17,391. (*Sir H. James.*) Have you the Castleisland?—Yes, the number reported in 1884 was 61. Of that number there were 51 recorded, 10 not recorded.

(*The President.*) Will you be kind enough to explain how that is consistent with the answer to the question 16,128.

(*Sir H. James.*) My Lord, I am not quite sure whether the shorthand writer's note is correct for this reason: "From the 21st of January 1884 to the 5th of July 1884 there were 11 outrages."

(*The President.*) That was the question apparently.

(*Sir H. James.*) It is so. Then there were 84 outrages committed in the time between the 1st of January and the 5th of July 1884. Your Lordship sees outrages. Which is correct I cannot say.

(*Mr. Reid.*) Eighty-four must mean the year.

(*Sir H. James.*) I am afraid there is a little confusion.

(*Mr. Justice A. L. Smith.*) In the next question you said you had got it wrong in your proof.

(*The President.*) There were 84 outrages.

(*Sir H. James.*) Your Lordship sees my question. It is a smaller number.

17,392. Now tell us the fact?—In 1884 there were 51 recorded, 10 not recorded, and of those there were 23 threatening notices and 28 outrages of another description. There were during the year four prosecutions, one conviction, three acquittals, and 47 cases in which there were no prosecutions.

17,393. I am going to ask you as to the proportion. I will take that from you now. Out of the 51 recorded cases there were 47 cases without any prosecution?—Yes.

17,394. I will go back to that in a moment. That is 1884. Cannot you give me shortly the outrages in 1885. I believe crime got worse again towards the end of 1885?—In 1885 there was an increase.

17,395. What was the number of outrages?—There were 86 outrages reported, 77 recorded and 9 not recorded. Of those there were 26 threatening notices and 51 outrages of other descriptions.

17,396. Fifty-one outrages beyond threatening notices?—Yes.

17,397. Tell me if I am right. I suppose that represents some visiting of the house or physical violence?—Yes.

17,398. Can you give me 1886?—Would you like the prosecutions in 1885.

17,399. I should like you to divide the year 1885 into two periods, the early period and the late period of 1885?—I must refer to the book for that.

17,400. Never mind then, I will pass on. Give me the 1886 outrages?—In 1886 there were 90, 76 recorded and 14 not recorded.

17,401. How many prosecutions were there?—There were 18 prosecutions, 7 convictions and 11 acquittals; 58 cases in which there were no prosecutions.

17,402. That is in 1886?—In 1886.

17,403. Now give me 1887?—I can only give you 1887 down to the 15th of May.

17,404. Give it me down to the 15th of May?—There were 26 reported, 25 recorded, and 1 not recorded.

17,405. How many prosecutions?—Six prosecutions; two convictions, three acquittals, and in one case the accused absconded.

17,406. I think you gave to my Lords the number of prosecutions in 1885?—I can give it.

17,407. I think you have?—In 1885 there were 10 prosecutions; 2 convictions, 7 acquittals, and 1 absconded.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

1s408. How many remained unprosecuted?—Sixty-seven cases with no prosecution.

17,409. I go back to one or two particular facts. On the 7th of April 1883 did you search the house of Eneas Lane?—I did.

17,410. Did you also on the same day search the house of Timothy Horan?—I did.

17,411. You have spoken of a man of the name of Patrick Kenny?—Yes.

17,412. Had he any connexion with any Land League?—He was the president of the Land League in Castleisland when I went there, and he was also president of the branch of the National League when established there on the 6th June 1884.

17,413. Did he cease at any time to be president?—He did.

17,414. When was that?—I will tell you in a moment.

17,415. Was it in 1884?—It was on the 8th September 1884, or at least after that, that he ceased to be president.

17,416. Did you hear at any meetings of the Land League any reasons given for his ceasing to be president?—I saw it in the papers.

17,417. Very well, we will refer to the papers. What papers did you see it in?—I think it was in every paper published in Ireland at the time. It was in the *Sentinel* and all those papers. It was after the date of the Lord Lieutenant's visit to Castleisland on 8th September 1884. It was after that.

17,418. Tell me again, if you have told me, when you first entered into the police force. How long have you been connected with the Irish constabulary?—For 35 years.

17,419. Have you been stationed in different parts of Ireland?—I have.

17,420. From the date that you were in Castleisland, I understand, it was your duty to endeavour to detect crime?—It was.

17,421. Did you receive any assistance from the persons in the neighbourhood?—Very, very few.

17,422. Was there any difference in their dealing with you and giving information from what had occurred previously to 1880?—A very very great difference.

17,423. What was that difference?—People were afraid to give any information, and they used to profess they did not know the parties who visited them.

17,424. Do the numbers that you have given to their Lordships of persons prosecuted in the years 1885, 1886, and 1887, and the offences that have been committed, bear any proportion to the prosecutions at other times and in other places?—I should say none whatever.

17,425. I gather from that you mean fewer?—Fewer, of course. It would bear no comparison, because in other places people have been most anxious——

17,426. I also gather from what you have said that moonlighters were very frequent in their visits during the years you have mentioned since 1880?—Yes.

17,427. Had you known any such practices existing before 1880?—No, in no part I was in did I know anything of the kind.

17,428. You were only there from December 1880, but I am speaking now of your previous experience in the police force in other parts of Ireland. Had you known any such practices as these moonlighting visits?—No.

17,429. What is your maximum force of police at Castleisland?—I think they reached 180 at one time.

17,430. And before 1880 we have it there were seven men, and they reached as many as 180. From your knowledge, is that the handwriting of Timothy Horan. (*Passing a letter*)?—It is. I believe it is. I have no doubt that it is.

(*Sir Charles Russell.*) I have no doubt; there is no question about it.

(*It was handed to the learned Counsel.*)

(*Sir Henry James.*) It is a letter which was read by my learned friend the Attorney-General in his speech. It does not follow the sequence of the witness's statement.

17,431. You believe that to be Timothy Horan's handwriting?—In my belief, it is.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(The letter was put in and read, and was as follows :—)

“ The Irish National Land League,

“ Branch Office,

“ Castleisland. September 20, 1881.

“ J. P. Quinn, Esq.,

“ Sir,—I beg to direct your attention to a matter of a private character, which
 “ I attempted to explain to you when I was in Dublin at the Convention. The
 “ fact is that one of the men, from a shock, lost the use of his eye. It cost him
 “ 4*l.* to go to Cork for medical attendance. Another man received a wound in the
 “ thigh, and was laid up for a month. No one know the persons but the doctor
 “ and myself, and the members of that society. I may inform you that the said
 “ parties cannot afford to suffer. If it were a public affair, a subscription list
 “ would be opened at once for them, as they proved to be heroes. One other man
 “ escaped a shot, but got his jaws grazed. Hoping you will, at your discretion, see
 “ your way to making a grant, which you can send through me or the Rev. John
 “ Hallagan, C.C.

“ Yours truly,

“ Timothy Horan.”

Then there is endorsed on the back of that, “ £6—12.10.81,” and initialled, “ J. P.”
 Your Lordship will see the lithographed heading of the League is on the paper.

Cross-examined by Mr. ASQUITH.

17,432. In what part of Ireland were you stationed before you went to Castleisland?—Co. Down.

17,433. That is in the north?—Yes.

17,434. In Ulster. Had you ever been in Kerry till you came to Castleisland?—Never.

17,435. And when you came there the Land League was already established?—It was.

17,436. So that you cannot, from personal knowledge, say anything as to the state of that district before the establishment of the Land League?—Not from personal knowledge.

17,437. You have given us a long catalogue of outrages. Am I not right in saying that a very considerable proportion of those outrages consist of threatening letters?—Yes.

17,438. (*Sir C. Russell.*) And notices?—And notices.

17,439. (*Mr. Asquith.*) Was it not your experience as a police officer before you went to Kerry that threatening letters are a very common form of crime in Ireland, and always have been?—I have seen some cases.

17,440. In Co. Down, for instance?—In Co. Down I do not suppose I ever saw half-a-dozen.

17,441. Let me just show you this return for 1879 for the Co. Down?—I do not speak for the whole Co. Down. I only know a very small portion of it.

17,442. Was not it a matter of notoriety among persons engaged in the police force that threatening letters, even in 1879, were common, and common in Ulster?—I do not think they were common. There were cases of them, I remember, for years, but there were very few cases.

17,443. In how many cases you have given us of threatening letters or notices was the letter or notice followed by actual outrage?—I could hardly tell that without going to the various outrages. I know Mr. Herbert received threatening letters before his murder, and Culloty received notices before his being shot. I could not tell you, as I said, unless I went through them all. I cannot recall at this moment any more cases, though I know some.

17,444. Is not it the fact that in a vast majority of the cases the threatening notice was not followed by any crime?—I should say so.

17,445. Did you yourself investigate the authorship of any of these threatening letters or notices?—I did.

17,446. Did you succeed in tracing the handwriting?—To my own satisfaction, I did.

17,447. But not to the satisfaction of the authorities?—No.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,448. Did not your investigations lead you to suspect in not a few cases that the persons who received the notices had themselves written them?—In a few cases that they were cognizant of their having been written.

17,449. Parties, or privy at any rate, to the composition?—Yes.

17,450. Now I ask you a few questions, first of all about Mr. Herbert. Mr. Herbert, as we heard, was a magistrate as well as a land agent?—He was.

17,451. And I believe he often sat at Castleisland, at the petty sessions there?—He did.

17,452. Is not it a fact that, rightly or wrongly, Mr. Herbert, by his demeanour as a magistrate, had made himself extremely unpopular with the people?—I should certainly say not.

17,453. Do you remember his using the expression about reproving the police for not skivering the people?—I was present at that transaction; and my version of it certainly would be different from the way it appeared. No doubt he used the words.

17,454. Was not it common report that he used the words?—It was.

17,455. So much so, that he got a nickname—"Skiver 'em"?—Yes, he did.

17,456. By which he was commonly known?—I know I heard it.

17,457. Were you present at Moharif Fair, on one occasion, when Mr. Herbert ordered the police to fire on the people?—I think you refer to Curran's Fair. He did not order the police to fire.

17,458. What did he do?—He directed a bâton charge.

17,459. Did you allow the bâton charge to be made?—I did.

17,460. Why?—Because it was necessary.

17,461. What was happening at the time?—There was a fight between what I would call two factions, and when the police interfered to separate them both factions joined, and they attacked the police.

17,462. In what capacity was Mr. Herbert present?—At my request, when I saw the demeanour of the people before this occurrence.

17,463. Are you prepared to say he did not order the police to fire on the people?—He could not have ordered them to fire, because they had not got any rifles.

17,464. Was it not generally reported in the neighbourhood that he ordered the police to fire?—I never heard it, he read the Riot Act.

17,465. Do you remember an occasion upon which Mr. Herbert was taken into custody by the police himself?—No, I have heard of it; I was not there at the time.

17,466. But you heard of that as having happened?—I did.

17,467. I must ask you, there was an inquiry, was there not, into this murder in connexion with the claim for compensation?—Mr. Herbert's murder?

17,468. Yes?—There was.

17,469. By Mr. Lynch?—Yes.

17,470. Did not you on that inquiry express the opinion that Mr. Herbert had been murdered on account of his conduct as a magistrate?—I could not tell you at this moment, but what I mean to say now, and what I thought I said then was that it was in consequence of his conduct as agent.

17,471. Did not you say at that inquiry on oath that you believed he had been murdered in consequence of his conduct as a magistrate?—I would like you to call my attention to it, because I really do not know.

17,472. I suppose if you did say it, you did believe it, at that time?—I believed it at that time, if I did say it, but I cannot recall that I said such a thing.

17,473. Were you present at this eviction of O'Donahue?—I was.

17,474. Mr. Herbert was present?—He was.

17,475. He took part in the eviction?—I did not see him doing anything, save that he directed the bailiffs.

17,476. He directed the bailiffs to do what they did?—He did.

17,477. And the bailiffs levelled the house?—Yes.

17,478. Is that, or was that, at that time a common practice at eviction?—I think it was the first case of the kind I ever saw.

17,479. Do you not think that that was a thing calculated to excite unpopularity and odium?—I have no doubt it did.

17,480. Were you present at a meeting at Knocknaboul when Mr. Herbert was denounced, or was said to have been denounced?—I was at that meeting.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,481. Was Father O'Rearden one of the speakers at that meeting?—I believe he was, but I do not know him.

17,482. Did you not hear his speech?—I was at a distance, I only heard occasional reference to Mr. Herbert, or whatever they were talking about; I kept away; there were only a certain number to protect the shorthand writer who was there.

17,483. Did you not either hear yourself, or hear from others, that Father O'Rearden had in the strongest terms denounced every kind of outrage?—I did not hear it myself.

17,484. From what you know of Father O'Rearden, as a priest, should not you expect that?—Excuse me, I do not know Father O'Rearden at all.

17,485. Where was Father O'Rearden stationed?—I presume he must be the priest at Boherbue.

17,486. Was he not at Castleisland?—I do not know; he may have been.

17,487. Or at Tralee?—I do not know him at all.

17,488. Not even by repute?—Not even by repute. I know a Father O'Rearden, but that is not the one.

17,489. It is not the same?—No.

17,490. I want to ask you one or two dates, please; when you came to Castleisland, that was in December 1880, you found a branch of the Land League established there?—I did.

17,491. At what other places in your district were there then branches?—There was one at Brosna and at Knockaboul, established on the 30th December, after I went there, and there had been one at Firies; that was then in my district.

17,492. Was the one in Firies no longer in existence?—That part was removed away from me as well as Brosna, about the year 1883.

17,493. Are those all?—Those are all that I know of.

17,494. You know, of course, that there were branches of the League in other parts of the county of Kerry?—Of course there were.

17,495. In Tralee?—Yes.

17,496. In Listowel?—Yes, I believe so.

17,497. Is it not a fact that during the whole of that period of which you have been speaking those districts, Tralee and Listowel in particular, were quiet and free from crime?—No, I could not say that.

17,498. Comparatively quiet?—Well, as compared with Castleisland, they were.

17,499. When did these branches you have spoken of in your own district cease to exist?—The Land League existed, that is, their meetings, up to the proclamation, I think, on the 20th October 1881.

17,500. After that did they cease to hold meetings?—To hold meetings, yes.

17,501. Entirely, and that cessation of meetings continued throughout the autumn of 1881 and the spring of 1882?—Yes, and on down until the National League was formed there on the 12th June 1884.

17,502. So that between October 1881, and, do you say, August 1884?—June, I think.

17,503. There was no branch of either League in your district?—No.

17,504. I think you have told us, the figures speak for themselves, that so far as the Castleisland district is concerned crime reached its highest point in 1882?—Yes, the greatest number is recorded in that year.

17,505. And more particularly, I think, in the earlier months of 1882, between January and June?—Yes, if you take any year you will seldom have so many crimes in the summer months as in the others.

17,506. In 1883, 1884, and 1885 crime was at a comparatively low figure?—No, very high still.

17,507. I am speaking now as compared with 1882?—As compared with 1882, Yes.

17,508. I believe, tell me if it is not so, that 1882, 1883, and 1884 were fairly good harvests?—I cannot say.

17,509. You know pretty generally what was the condition of Kerry at that time?—The people were fairly comfortable there.

17,510. I mean the great fall in prices which has since occurred had not then set in?—I am not able to say; I do not know of my own knowledge.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,511. The Land Act of 1881 came into operation at the close of that year?—Yes, I think so.

17,512. And were not the people in your district in 1882, and more particularly in 1883, going in large numbers into the Land Court to have their rents fixed?—I heard of a good many going.

17,513. And in 1882, the summer of that year, the Arrears Act was passed; you have heard of that?—I have heard of it; I do not know when it was passed.

17,514. Do not you know that in 1883 and 1884 considerable numbers of the tenantry in your district obtained relief under this Act?—I have no doubt they did.

17,515. As to the National League, I think you said that June 1884 was the date of the establishment of the first branch of the National League?—The 12th of June 1884.

17,516. Where was that?—At Castleisland.

17,517. What other branches of the National League were there in your district?—One at Ballymaglot.

17,518. When was that established?—I cannot tell you the date.

17,519. Cannot you tell me about?—No I cannot, indeed.

17,520. Not even the year?—No, I know it was operating in 1886, but I cannot tell when it was established before that.

17,521. Any other?—One at Knocknagoshel? I cannot give you the date either, it was a recent one, it was not established for a long time after Castleisland.

17,522. When you say recent, do you mean it was only established in 1886, or thereabouts?—I think about 1886, 1885 or 1886.

17,523. Any other?—One at Scartoglin.

17,524. When was that established?—That was after the one at Castleisland in 1884. I could not give you the date. Had I known, I could easily have had those things.

17,525. Is that all?—That is all; there were two others, one at Currane and one at Curragh, but I did not know anything of them.

17,526. Was the National League in your district of Castleisland ever what you would describe as a strong organisation?—I did not consider it was.

17,527. Who is the bishop of the diocese?—Dr. Higgins.

17,528. I believe that he has always been hostile to the National League?—I heard so.

17,529. And to the Land League?—I never heard that he joined either of them.

17,530. Had that the effect of preventing the clergy from joining the National League?—I could not tell you that. I did not know.

17,531. You do not think it had?—I do not know. I know priests who were in the Land League and the National League.

17,532. But speaking from your knowledge of other parts of the country, would you say it was so common in Castleisland and Kerry as elsewhere for the priests to have prominent posts in the League?—I think in the Land League in every branch there was a priest as far as I can remember, and I think I only knew one priest in the National League in Castleisland.

17,533. He was the president, was he not?—Yes.

17,534. Archdeacon Ough?—Archdeacon Ough.

17,535. When did he become president?—Either in 1885 or 1886, I could not say. It must be 1885 or 1886, I think.

17,536. Did you find that the young men of the district were rather averse to joining the National League?—No, I could not say.

17,537. About how many members should you say, roughly, that you had in Castleisland itself?—I could not give you any opinion of my own at all on the matter.

17,538. Cannot you give us a rough estimate?—I could not, because I had not the returns at the time; I do not know.

17,539. Still, you say it has never been a strong organisation there?—I never considered it was; that is my own opinion, of course.

17,540. I think you gave evidence before Lord Cowper's Commission?—I did.

17,541. That was in December 1886?—Yes.

17,542. Have you looked at your evidence lately?—I have.

17,543. How long ago was that—how long is it since you looked at it?—A few days ago.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,544. Who gave it you to look at?—I bought it.

17,545. I am calling your attention to an answer you gave (No. 21,466), where you say there is really only one branch of the League at Ballymaglot, practically, or in the Castleisland district?—At that time.

17,546. That was a fact, was it?—Yes, that was a fact at that time.

(*Mr. Justice A. L. Smith.*) What date was that?

17,547. (*Mr Asquith.*) December 1886. “There are three or four other branches, but they seldom or never met”?—They had not met for some weeks before that, so far as I could learn.

17,548. And I see you go on to express the opinion that it is not necessary that they should do so, considering that intimidation is so extensive in the district?—Yes.

17,549. I want to ask you something about this intimidation. In what form is the intimidation practised in your district?—By armed parties visiting houses at night, and threatening letters; those are the principal.

17,550. What we have heard described in the course of the inquiry as “moonlighting”?—Moonlighting.

17,551. That is the principal form of intimidation?—Yes.

17,552. In your opinion to what class do the moonlighters, as a rule, belong?—I should say the farmers and the labouring classes generally.

17,553. From what you have seen, and from the investigations you have made, do you believe the moonlighters to be an organised body?—Well, yes, I believe they were an organised body.

17,554. An organised body?—Yes.

17,555. A secretly organised body?—As you see by that report before you——

17,556. But I want to ask you?—Yes, certainly organised.

17,557. A secretly organised body?—Yes.

17,558. Did they go by any particular name among the people?—Moonlighters and night boys were synonymous terms, I should say, for them amongst the people.

17,559. A common name?—Yes.

17,560. When did you first become acquainted with this secret organisation in Castleisland?—About the year 1882, I think, I first was made acquainted with the organisation, and how it was got up.

17,561. What brought it to your attention?—My inquiries as to how, in the course of so short a time, a large district like this could become so disorganised, that such a state of disorder should exist in it.

17,562. And what did you discover?—I discovered that in the Land League there was an inner circle which organised the Fenians of the district into a Land League police, to carry out the behests of the League. I told that to the Cowper Commission. It is not published in the report.

17,563. How does it come not to be published?—I tell you that I refused, as you see there, to state so, and I was brought in afterwards, and the reporters were not present.

17,564. You say you discovered this in 1882?—I did.

17,565. Did this organisation you speak of continue to exist in 1883, 1884, and 1885?—Yes, as I told you, the Land League ceased to practically exist in October 1881, but notwithstanding this organisation continued on in 1882, 1883, and 1884 all the time.

17,566. Took the place of the Land League?—Well, they did not meet, as I tell you.

17,567. In your opinion, were these outrages of which you have been speaking to us, the work of this organisation?—They were, by direction of the central organisation.

17,568. The central organisation?—Yes.

17,569. What do you mean by the central organisation?—As my informant said, the central organisation was in Dublin.

17,570. Did you ever find any proof of that?—Save that the thing was continued, and as he told me it would be continued.

17,571. Did you ever succeed in tracing any connexion between the moonlighting at Castleisland and anybody in Dublin?—Well, I have seen some man in the League in Dublin who was organising in Castleisland.

17,572. When?—I think in February 1881.

(*The President.*) Who was the man?

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*Mr. Asquith.*) He has not given the name yet, my Lord.

(*The Attorney-General.*) A man he said.

17,573. (*Mr. Asquith.*) What was the name of the man?—Boyton.

17,574. What did you see Mr. Boyton doing?—Well, I heard him make a speech.

17,575. Where?—In Castleisland.

17,576. Can you give us the date of that?—I cannot give you the exact date; it could be ascertained.

17,577. Was it in February 1881?—I think it was in February 1881.

17,578. You heard him make a speech?—I did.

17,579. What else did you hear him say, or see him do?—I did not see him do anything; I heard him make a speech; but I heard what his business there was.

17,580. Who from?—From one of my informants in the place.

17,581. Will you give me his name?—No, I will not, please.

17,582. You will not give his name?—No.

17,583. Was it from the information that person, whose name you will not give, gave to you, that you came to the conclusion that Boyton was organising?—It was.

17,584. Had you any other reason for coming to that conclusion?—Simply this, it was organised in the district very soon after he was there; it got worse shortly after he was there.

17,585. The district got worse shortly after?—Yes.

17,586. Have you any other reason?—I cannot remember any other reason at this moment.

17,587. You came from the Co. Down straight to Kerry?—I did.

17,588. How long had you been there?—I think I was very near seven years in Down.

17,589. Was there any branch of the Land League in Down when you left?—Not in any part that I was acquainted with.

17,590. You told us that you on one occasion searched the house of Mr. Horan?—I did.

17,591. He was the secretary of the Land League?—Yes.

17,592. Under what power did you search his house?—A warrant of the Lord Lieutenant.

17,593. Was that under some special Act which was then in force?—Yes.

17,594. Mr. Forster's Act, or was it the Crimes Act of 1882?—The Crimes Act of 1882.

17,595. You searched his house from top to bottom?—Well, yes.

17,596. Have you ever instituted proceedings of any kind against Mr. Horan?—For that search?

17,597. At any time?—Yes, for that search.

17,598. For the purpose of making the search?—No, as the result of that search proceedings were taken against him.

17,599. What were they?—For having ammunition on his premises.

17,600. Was he convicted?—He was.

17,601. Was there any other proceeding?—No.

17,602. What was done to him?—I think he was fined 3*l.*, as well as I can remember.

17,603. Did you ever take any proceedings of any kind against Mr. Kenney?—I did not, but I am aware that proceedings were taken against him.

17,604. When?—About the same time.

17,605. What for?—I think for ammunition also.

17,606. Was he convicted?—I think so.

17,607. And he was also fined?—I believe so. I tell you I was not concerned in that matter.

17,608. With the exception of those two proceedings that you mention, so far as you know, have either of those gentlemen ever been prosecuted at all at the instance of the police or anyone else?—Not to my knowledge.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

Cross-examined by Mr. REID.

17,609. Mr. Davis, we know that you referred to this before the Cowper Commission. I will give you what you said; 21,501 is the number of the question. Then says Mr. Meligan to you: "There must be an organisation exercising a tremendous power over them"—that is, over the people—"(A.) Yes."

(*Sir H. James.*) Will you read the previous question?

17,610. (*Mr. Reid.*) Most certainly. "Do I understand you to say there is no sympathy amongst the respectable tenants for these outrages. (A.) Yes, there is not"—There is no sympathy among the respectable people for those outrages.

17,611. I am just reading you the question, and I will read you the answer, and you will see. "Do I understand you to say that there is no sympathy amongst the respectable tenants for these outrages. (A.) Yes, there is not. (Q.) But they subscribe. (A.) They are compelled to subscribe. (*Mr. Meligan.*) Then there must be an organisation exercising a tremendous power over them. (A.) Yes. (Q.) Have you any objection to state what this organisation is. (A.) I do not think it would be for the advantage of the country to state what it is. (*Lord Milltown.*) Do you object to state. (A.) No, but I object to its being published, as it might hereafter frustrate the ends of justice. (Q.) But you have an objection to its being published; the name of the organisation which, in your judgment, is the cause of all these horrors. (A.) Yes." That is what you said?—Yes.

17,612. I wish to ask you this in the first instance. You now say that you afterwards stated to the Commission that it was an inner circle of the Land League?—Yes.

17,613. And that you obtained this information, I think you told us, from an informant?—Yes.

17,614. Give me the name of the informant?—I could not.

17,615. I must press you for the name of the informant?—I will appeal to my Lords, that I cannot do any such thing.

(*Mr. Reid.*) Now, my Lords, here arises a question. This is evidence of a hearsay character.

(*Mr. Justice A. L. Smith.*) I always understood that a police constable was not bound to say from whom the information was received.

(*Mr. Reid.*) We want to get to the bottom of this matter. Here is a police constable who states that the Land League has an inner circle according to his information. My Lords, I am entitled to press that, otherwise we are at the mercy of any statement, I do not mean it offensively, made not only by a police constable, but we are at the mercy of an anonymous informer, whose name we may not be able to find out, although we might be able to prove him the greatest liar in the three kingdoms. I submit I am entitled to have that question answered.

(*Sir H. James.*) I do not know whether your Lordships think it right that myself and my learned friends should argue this. We have to ask your Lordships to consider here the question that my learned friend has put. I gather that the inspector has some good reason for refusing to give this information, it may be that if he was to state this information that the man's life would not be safe.

(*The President.*) This sort of question arose before. I suggested that the question might be asked why he declines to give an answer, and then we shall know how to proceed.

(*Sir C. Russell.*) If your Lordship would be prepared upon his giving us the particular reason to say that he was justified in refusing, then certainly nothing would be gained by putting this question.

(*The President.*) That is the only way it could be put properly; I mean to say formally. Then the question would arise whether the refusal to give an answer was a sufficient reason for us to say that we would not exercise the power we have to commit anybody who would not answer a proper question; that is the way it arises formally.

(*Sir H. James.*) I think that would be so.

(*Mr. Reid.*) With your Lordship's permission I would defer this question, and go on, and put it afterwards if it should be needful.

17,616. When was this information given you?—In 1882 I received the first information.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,617. About what period of 1882?—I should say very early in the year, about January or February I fancy.

17,618. My Lords, I am going to ask generally the class of person, not for the purpose of finding out the individual, was this person in the pay of the police or not?—No, he was not in the pay of the police.

17,619. Was he a person who was a member of the National League or the Land League, as the case may be?—He was a member of the Land League.

17,620. Was it the Land League and not the National League?—The Land League; it was on that he spoke and nothing else.

17,621. Did he purport to have himself taken part in the organising of crime?

(*Sir H. James.*) My Lords, I am afraid my learned friend is on the track of finding out who this person is, this is a question of identity; if the man purports to be engaged in crime then that may be one of the questions that may lead to the identity of the man.

(*The President.*) If I thought it reasonably probable that it would lead to it, I would interfere upon that ground, but he is reserving the question of the witness' objection to give the name, I think Mr. Reid is entitled to have the class of man, because this will be the argument addressed to us, a man who was one of the alleged criminals is not be relied upon as an informer.

(*Mr. Reid.*) I want to show the character of the man.

(*The President.*) I think you are entitled to it, but you will be kind enough, Mr. Reid, having obtained that information, to take care not to go further, and wait the opportunity of raising the other question as to his identification.

(*Mr. Reid.*) My Lords, I should desire to be checked if I ask anything that your Lordships do not approve of that would tend to prove the person's identity. I am simply asking as to the class of person.

17,622. Now, Mr. Davis, let me ask you this question. Did this gentleman convey to you that he had himself taken part in this inner circle?—He did.

17,623. Did he make any communication to you indicating that he had taken part in crime or murders himself?—No.

17,624. Or any organisation of it?—I could not say—I would not say that—but he was not a perpetrator himself of any crime.

17,625. He did not say he was?—No; he told me he never was.

17,626. He told you he had never organised crimes himself?—No, he did not say that; he said he never was the perpetrator of the crime.

17,627. I beg your pardon—that he had never perpetrated it?—Yes.

17,628. But he admitted having knowledge of it?—Known about it?

17,629. Approved of it?—Yes, I should say so.

17,630. And assisted in the organisation of it?—I should say so.

17,631. This was the gentleman who gave you the information?—Yes.

17,632. Did he give you any document?—No.

17,633. Now, so much for that person. You, Mr. Davis, have all the secret threads of the matter in your hands, and I need not press you upon that you have had all the information of that district in your hand?—I know a good deal of what was going on.

17,634. What was known—was knowledge you knew?—I occasionally received information.

17,635. Whatever you did not know was not knowledge at this time?—No.

17,636. Have you any evidence beyond what you have referred to in this case which you can state to us to prove the existence of this secret ring or circle?—I have no evidence save another of the same class.

17,637. Another person?—Yes.

17,638. I may say another person of the same class?—Yes.

17,639. Tarred with the same brush?—Yes.

17,640. Now, beyond that—beyond these two statements by these two men—I understand you to say you have no evidence that you can lay before the court?—No, save the disorganised state of the district, as I said, and the outrages following on.

17,641. Whatever process of reasoning or conjecture arising upon the facts they are common knowledge?—Yes.

17,642. But you have no secret or private information?—I have not.

(*Mr. Reid.*) You have treated me very fairly. My Lords, I do not desire as at present advised, now to press the question of the identity, but would you allow me to

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

put this question. I would like to have the sanction of the court for it first. Would you allow me to ask whether or not these persons are in Ireland. I think Ireland is such a large place that I may fairly ask that.

(*Sir C. Russell.*) The point is, if they are not.

(*Mr. Reid.*) If they are in Ireland, are they available to give evidence within the United Kingdom?

(*The President.*) I think you may ask that; by "available" you do not mean about to be called?

17,643. (*Mr. Reid.*) Capable of being called?—I believe one is.

17,644. The other is not.

(*The President.*) Well.

17,645. (*Mr. Reid.*) My Lords, not within reach, the other is not accessible?—No.

17,646. Did you have any communication with these persons, or either of them, after 1882?—One of them I never met, I think, until 1886.

17,647. One of these persons gave you information in 1886?—Yes.

17,648. He was a member of the National League then, I suppose?—I do not know that he was a member.

17,649. Was his statement—the statement of the first—confined to the Land League?—The statement of the first was confined to the Land League.

17,650. Was the statement of the second confined to the Land League?—No.

17,651. To the National League?—To the National League.

17,652. The last question on that topic that I have to ask you is this: the available person, is he the gentleman of 82 or the gentleman of 86?—86.

17,653. The 86 person?—Yes.

17,654. Now I want to ask you a question or two about the causes of crime in Castleisland. Do not you agree with this, that private spite or family quarrels are a most fruitful cause of outrage?—Well, I should say that a great many outrages in Castleisland district were due to it.

17,655. Now, about the secret societies, are there many secret societies in Kerry?—Well, the only secret society there I heard of were the Fenians and Moonlighters, which are pretty synonymous terms, were they not, in 1874.

17,656. The old Fenians used to be the hill-side men—men prepared to fight on the hill side?—Yes.

17,657. There are some degenerate Fenians or people not worthy of being called Fenians, perhaps, in the original point of view, who were members of subordinate secret societies?—Possibly; I do not know.

17,658. Have not you heard of the Red Road men?—No, I do not think I have.

17,659. Have you not heard by name?—I do not think I have.

17,660. Have you any doubt that Kerry is honeycombed with secret societies?—Well, I cannot answer that.

17,661. Have not you ever heard of that?—No; beyond what I tell you, I have never heard anything more.

17,662. I now wish to ask you a question or two in regard to the condition of the people; when did you go to Kerry?—In December 1880.

17,663. Did you not then learn that there had been secret societies within the last 12 or 18 months?—No; when I went there the people appeared to me to be very comfortable.

17,664. That was the end of 1880?—Yes.

17,665. I believe 1880 was the bad harvest?—As far as I remember, it was not.

17,666. I am asking you what you learned?—I did not hear of very much distress until the summer of 1886, when I heard that the land that year did not produce—

17,667. I am coming to that. I am now speaking of what you heard when you were there, of the previous condition of the country?—They were very comfortable, as far as I could see.

17,668. I am speaking of, not what they were at the time, but what they had been. Did you not learn that in the previous year there had been a great deal of distress in Kerry?

(*The President.*) Speaking for myself, the impression has been made upon my mind that there was distress.

(*Mr. R. T. Reid.*) I am obliged to your Lordship. I will not pursue it further then.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*Sir. C. Russell.*) We only want to get the additional fact that they had fallen into arrears in respect of the rent of 1878 and 1879.

17,669. (*Mr. R. T. Reid.*) Is that so?—I heard that.

17,670. Did you find that in 1885 the prices had fallen very much?—I cannot say of my own knowledge, but I believe that was the fact; but as I say, I cannot say of my own knowledge.

17,671. With regard to these meetings, you had reports, I suppose, which you say you made at the different meetings which had taken place?—Yes, I read them at the time.

17,672. Did you preserve the reports of those meetings?—No.

17,673. A good many were destroyed?—I never preserved one of them.

17,674. I am not complaining of that; I should think it was natural you should?—They would not remain with me, assuming I had them.

17,675. I suppose those speeches which provoked in any way, or which you thought provoked to illegal conduct, would probably be preserved?—Yes, but not by me, they would be forwarded on.

17,676. To the Castle?—I presume so.

17,677. Those speeches which had nothing in them, or which did not tend to illegal conduct, I presume would not so much be recorded?—I should say so.

17,678. Were they reported?—I am not aware of any.

17,679. In fact, I suppose the ordinary duty was to report anything that required notice, or required interference; is that so?—When a shorthand writer was sent to a meeting, I think he reported everything that took place there.

17,680. Did you not hear that there was a constant denunciation of outrage and crime on the part of numbers of people at these meetings?—Well, I have no recollection of any denunciation of crime until Mr. Davitt went down to Castleisland.

17,681. I will leave Mr. Davitt to speak for himself. Did you not know that at these meetings there was a constant denunciation of crime?—Well, I did not know it.

17,682. Now let me remind you; you have spoken of a meeting preceding the murder of Mr. Herbert—a long time before?—That was the meeting at Knocknaboul.

17,683. The meeting was the 5th of June 1881, and the murder was in March 1882?—Yes, the 5th of June 1881, that is the date of the meeting.

17,684. And the murder was in March 1882?—Yes.

17,685. Those were the two that were put as cause and effect?—Yes.

(*Mr. R. T. Reid.*) You have been asked about Mr. O'Reardon. I will conclude my cross-examination by reading a few words which appears in the evidence at pages 368 and 369, from a speech by Mr. O'Reardon, which was proved by O'Malley, and I notice it again, as it is in this connexion rather important. In the earlier part he complains of Mr. Arthur Herbert, no doubt, and he speaks strongly about his conduct, and then he proceeds:—"We will not insult him, we will not offer him violence, we will not do him the smallest injury, the man that would go now and offer him insult, or do him the smallest injury, would be the greatest enemy we have."
"I will ask you to tell everyone that you meet that no man must do him the slightest injury, that no man must insult him, that no man should offer him any violence, and that the man who would suggest it, that that man is the friend of Mr. Arthur Herbert, and is an enemy to you and to your cause. Now, ye will all promise me to do that." And then he proceeds again: "Let us hear no more of these miserable outrages. They are your shame and your disgrace. Your cause does not want these things. Come out in the open daylight, like men. Stand together. Let no landlord or his agent or friend cajole you or frighten you." I only pick out those sentences; those were made use of at the meeting.

Cross-examined by Mr. Lockwood.

17,686. You told my learned friend Mr. Asquith, that Horan, who was the secretary, and, I think, Kenny, who was the president of the branch at Castleisland, were the subject of prosecution. Do you remember when that was?—I will tell you in a moment. It would be subsequent, in April 1883.

17,687. Was it immediately after the Peace Preservation Arms Act?—Immediately after the seizure was made in this house—December 1883.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,688. Do you remember when the Peace Preservation Act came into operation?—The Peace Preservation Act came into operation early in 1881.

17,689. No, no, the Arms Act, of which I am speaking?—Well, that is the one, that is the Arms Act.

17,690. Then prosecuted in April 1883—were you acquainted with the details of the prosecution?—Yes, I was the complainant.

17,691. What was it that was found on their premises?—Some ammunition.

17,692. Do you mean some powder and some shot?—There were cartridges for a breech-loading gun.

17,693. Do you mean for a breech-loading fowling-piece?—Yes.

17,694. Cartridges which would be useful for sporting purposes or scaring crows?—They were what a gentleman would use for sporting purposes.

Cross-examined by Mr. DAVITT.

17,695. You have spoken as to outrages in Castleisland district in 1885 and 1886?—Yes.

17,696. I believe you were present at a meeting which I addressed in Castleisland?—I was.

17,697. Was it a large meeting?

(*The President.*) What was the date of it?

(*Mr. Davitt.*) The 21st of February 1886.

17,698. Was it a large meeting?—I should say, for the town, it was.

17,699. What would be the character of the meeting, from your point of view, as to who were present?—There were the farmers of the neighbourhood all there, and a good many of the townspeople.

17,700. I suppose you have a general recollection of what I said?—I have.

(*Mr. Davitt.*) If you will permit me I will read two extracts from a long speech. It would be an outrage if I inflicted it all upon your Lordships, but it deals entirely with this matter. I will read an extract.

(*The President.*) May I ask you from what you are reading?

(*Mr. Davitt.*) From the "Freeman's Journal," my Lord, of the 22nd February 1886.

"In fighting your enemy by the weapons of barbarism you are unconsciously fighting his battles. Injustice may explain but it does not palliate the barbarous practices which but too frequently occur in this county. The landlords are legally privileged to commit wrong unfortunately; but the victims of this injustice are not morally or otherwise justified in resorting to acts which are cruel and inhuman. The torture of dumb animals, the infliction of pain upon blameless and helpless poor beasts who only exist to serve us and to minister to our needs, who have not even the power to give expression to the sufferings which they undergo in our service, is, in my opinion, a crime so brutally wicked, so blindly barbaric in its callous inhumanity, that if my own brother were brought before me and proved to be guilty of such an atrocity, I would take a pleasure in flogging him at a cart tail before flinging him into prison as a creature unfit to walk abroad among men, a libel upon the name and features of our common manhood. I want you to look beyond the confines of your own county, and consider the consequences which your acts will entail upon the cause of your fatherland, and I demand of you the cessation of all proceedings which afford to our enemies the only arguments with which they can hope to combat our first demands for the abolition of landlordism and Castle rule. But apart altogether from political considerations, I demand of you, in the name of Irishmen of all parties and all counties, to stamp out those abominable outrages which tend to degrade the Irish character in the estimation of mankind. Now this custom of moonlighting, which may have been originally resorted to with no intention to do harm, but out of that devil-may-care feeling peculiar to many districts in Ireland, sooner or later degenerated into acts and proceedings which I am sure if they were only thought of in the beginning would have prompted other and better proceedings and a different line of action to the young men who have participated in them. I ask you men and women of Kerry to stamp out this sort of thing, which is a disgrace to you, as it is to the whole Irish

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ character. I say that if the national sentiment of Kerry makes up its mind
 “ to stamp it out it will do so. You have seen not very long ago the
 “ consequences of these senseless and criminal proceedings. Two lives were
 “ lost near this place owing to these nocturnal adventures; young men are
 “ imprisoned, who should be the support of their families, as the consequences
 “ of following out such evil practices. I ask you, for God sake, for your
 “ common good, for the character of your country, on behalf of your leaders
 “ to set your face against this sort of thing in the future.”

17,701. Is that a fair report?—That is a correct report.

17,702. Is that a fair report?—It is a very fair report of what you said there.

17,703. I do not know whether I am permitted to put a question to the witness with reference to the boycotting of the Curtin family. It was suggested in the examination of a witness that the boycotting of the Curtin family was aggravated after my visit to the district, and I think it was insinuated that this was due to me.

(*The President.*) I do not desire to limit you in the least. Anything which this witness can answer you will be entitled to get from him.

(*Mr. Davitt.*) I believe you spoke before the Cowper Commission to the fact that I had visited the district, and that I sympathised with the Curtin family?—So I understand from your speech you did.

17,704. Then if it was suggested from the other side I went down to aggravate the boycotting of the Curtin family you would not agree in that view?—No, I would not. If you will allow me I will explain with regard to that. It was remarked on and I heard it spoken of. You had not gone to visit Mrs. Curtin, but you had gone to visit the mother of Sullivan, who was shot in the house.

17,705. On the other hand, if it were believed that the family of the Caseys and the Sullivans were concerned in the boycotting of the Curtins, the best way to stop the boycotting would be to go to Caseys and the Sullivans?—And request them to stop it.

17,706. Precisely so, that is why I called on the two families. One other question. Have you ever prosecuted any members of the police force for outrage?—No, not for outrage.

17,707. Not for outrage?—No. Perhaps I know what you refer to. There was a case which occurred at Kilfallinar, an outrage was reported to me—a shot was fired into the window of a man one day in the house, who subsequently died, and the people at once said that the shot came through the window, and of course they attributed it to their unpopularity in the neighbourhood. I discovered that the shot never came through the window, but the man must have been shot by some person in the house, and for malfeasance in the house—I think that was the charge—the policeman was convicted because he did not state the truth.

17,708. Was he prosecuted?—He was, that is what I say, and convicted.

17,709. Was he prosecuted before Chief Baron Pallas drew attention to the outrage, or after?—The inquiry was in course of proceeding at the time the Chief Baron Pallas spoke of the matter in his address to the grand jury.

17,710. But the prosecution resulted from the observations of his Lordship?—It followed at any rate, but I do not know whether it was because he spoke of it, or not.

17,711. Do you recollect another case where three policemen fired shots into a house?—That was at the Killarney district.

17,712. Not in the Castleisland district?—No.

17,713. Do you know of such a case?—I heard of it.

17,714. Were you at the prosecution or the investigation?—I think there was a court of inquiry if I do not mistake. I know the circumstances very well.

17,715. Anyhow, there were policemen concerned?—Yes.

17,716. You have been asked with regard to offences and outrages—do you know that the Fenians were always opposed to outrages of any kind?—I never had any experience of them in any place I have been, so I am not able to say.

17,717. In fact it has never come to your knowledge that the Fenians, as Fenians, sympathised with outrage of any kind?—I cannot say of my own knowledge. I never heard it, I think.

(Adjourned for a short time.)

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*Sir C. Russell.*) My Lord, I have now to make a motion which I adjourned at the sitting of the Court this morning for the convenience of the Attorney-General. I move upon notice of the 24th of November by my clients, Messrs. Lewis and Lewis, to Messrs. Soames and Co.: "We beg to give you notice that at the sitting of the Court on Tuesday next we shall apply to the Commission that the Defendants in the action of *O'Donnell v. Walter and another* be ordered to make a further affidavit of documents, and to give inspection of a letter in their possession purporting to be signed by Mr. O'Kelly." He is one of the incriminated members of Parliament. We have sent you a copy of the affidavit upon which the motion will be founded, but there is a slight error in the third paragraph. After the words 'two letters' should be inserted the following: 'purporting to be signed by Mr. Davitt and Mr. O'Kelly.'" The affidavit of Mr. Lewis is this: "That in the affidavit of documents made by the Defendants in the action of *O'Donnell v. Walter and another* were disclosed seven letters purporting to be written by the said Mr. Parnell, and seven letters purporting to be written by Mr. Egan, all of which said letters the said Mr. Parnell and Mr. Egan denounce as forgeries. That in addition to the said letters there were deposited in a box certain letters said to have been purchased in America, which are alleged by Mr. Parnell and are admitted by the said Defendants to be forgeries. That in addition to the said 14 letters and the letters lastly mentioned"—that is to say, the admitted forgeries of Mr. Parnell—"I some time since received information, which I believe to be true, that there were in the possession of the said Defendants or their solicitors, two letters purporting to be signed by Mr. Davitt and Mr. O'Kelly"—

(*The Attorney-General.*) There are no forgeries of Mr. Parnell's. You have made a mistake; there are no forgeries of Mr. Parnell's.

(*Sir C. Russell.*) Which are deemed to be forgeries—Dillon and others. "That in addition to the said 14 letters and the letters lastly mentioned, I some time since received information, which I believe to be true, that there were in the possession of the said Defendants or their solicitors two letters purporting to be signed by Mr. Davitt and Mr. O'Kelly, which had been delivered to them by the same person or persons who had delivered the said letters purporting to be signed by Mr. Parnell and Mr. Egan. That the Commissioners directed inspection of three letters"—

(*The Attorney-General.*) I beg your pardon, Sir Charles—that is not in our copy.

(*Sir C. Russell.*) It is calling attention to the letters. "That the Commissioners directed inspection of three letters purporting to be written by Mr. Michael Davitt, one of which letters Mr. Davitt at once denounced to Mr. Soames as a forgery; the other two letters being genuine letters addressed by Mr. Davitt to the Governor of Portland Prison, and which had evidently been obtained for the purpose of comparison. That upon the occasion of the said inspection I asked Mr. Soames whether he had a letter purporting to be written by Mr. O'Kelly, but to which question no affirmative or negative reply was given. Thereupon I wrote to the said Mr. Soames the following letter:—'15th November 1888. Dear Sir,—'Parnell Commission. We shall feel obliged if you will kindly inform us to-morrow whether there is in the possession of yourselves or your clients a letter purporting to be written by Mr. O'Kelly. Yours faithfully, Lewis and Lewis. Messrs. Soames and Co.' To this letter I received the following reply:—'58, Lincoln's Inn Fields, W.C., 17th November 1888. Dear Sirs,—We consider the question you put to us in your letter of the 15th instant as most unusual, and must consequently decline to answer it. We have as much right to ask you for the grounds on which you put the question to us and to ask whether you have documents in your possession. Yours truly, Soames, Edwards, and Jones.' To which Messrs. Lewis replied, on the 19th November 1888: 'We are in receipt of your note of the 17th, in which you state that our letter asking whether you have a letter purporting to be signed by Mr. O'Kelly is most unusual, and that you decline to answer it, and that you have as much right to ask us for the grounds upon which we put the question to you and to ask whether we have documents in our possession. We have no hesitation in stating the grounds upon which we put the question. Certain letters, purporting to be signed by Mr. Parnell and Mr. Egan, are denounced by these gentlemen as forgeries. We are informed that a letter purporting to be signed by Mr. Davitt and a letter pur-

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ ‘porting to be signed by Mr. O’Kelly were handed to the ‘Times’ as coming from
 “ ‘the same source as the other forged letters. Strange to say, the letter purporting to
 “ ‘be signed by Mr. Davitt was not disclosed in your affidavit of documents, and directly
 “ ‘Mr. Davitt saw it he pronounced it to be a forgery. It is with a view of ascertaining
 “ ‘whether another forged letter purporting to be signed by Mr. O’Kelly has been
 “ ‘and is in the possession of the ‘Times’ that we ask the question; and you must
 “ ‘surely appreciate the importance which naturally will attach to the answer, whether
 “ ‘from the same source your clients have also received a letter purporting to be
 “ ‘signed by Mr. O’Kelly. We must press you for an answer to this question, and if
 “ ‘a letter be in your possession, we require inspection of it. If you fail to comply
 “ ‘with this reasonable request, we shall bring the matter before the Commis-
 “ ‘sioners;’ to which an answer came from Messrs. Soames and Co., on the 22nd
 “ ‘of November, as follows: ‘We are in receipt of your letter of the 19th instant.
 “ ‘You fail to tell us who is your authority, nor does your letter remove our view that
 “ ‘your request is most unusual, and one that does not call for compliance on our part.
 “ ‘You can, of course, take any step with regard to the matter that you may be
 “ ‘advised.’” Then the affidavit concludes thus:—“That it is absolutely essential and
 “ ‘necessary in the interest of the said Mr. Parnell that the said Defendants should
 “ ‘be ordered to state upon oath whether they have in their possession or in the
 “ ‘possession of their solicitors a letter purporting to be written by Mr. O’Kelly, and
 “ ‘that the said Mr. Parnell should have inspection of the said letter.” The affidavit
 in answer to this I will not characterise. I will read it to your Lordship shortly. It
 is the affidavit of Mr. Soames:—“I have read a copy of the affidavit sworn in this
 “ ‘matter by George Henry Lewis, and with reference thereto I say that, except as
 “ ‘appears by my affidavit read on the 24th day of October last, all the letters in the
 “ ‘possession of or under the control of the said John Walter and George Edward
 “ ‘Wright or me as their solicitor at the time of swearing the affidavit of documents
 “ ‘on the 12th day of October last were either set out in the schedule to the affidavit
 “ ‘of documents or were in the box being the Exhibit ‘A’ to such affidavit. (2.) That
 “ ‘the contents of the said box have been submitted to the Commissioners, who have
 “ ‘ordered the production of certain of them. (3.) That all of the documents of which
 “ ‘production has been ordered have been produced to the said George Henry Lewis.
 “ ‘(4.) That no letter bearing the signature of or purporting to be signed by Mr. J. J.
 “ ‘O’Kelly has come into the possession of the said John Walter and George Edward
 “ ‘Wright or me as their solicitor since the said 12th day of October last.” I do not
 stop to observe upon the omission from the affidavit originally made of this letter of
 Mr. Davitt, the materiality of which I should have thought was very obvious—I
 cannot help hearing what is being said—one was included, but not the one which turns
 out to be a forged letter—neither I think was included in the affidavit as a matter of
 fact. However, that is not the point. The materiality is obvious, the materiality
 being whether the “Times” newspaper got hold of the letters, which they allege to be
 incriminating letters, and which are alleged to incriminate Mr. Parnell and others,
 at the same time they got any other letters which are, or are alleged to be, forgeries,
 of any of those persons. Your Lordship will observe the affidavit of Mr. Soames (as
 to which I at once say I do not in the least suggest Mr. Soames would state anything
 other than the truth knowingly), in fact admits, by not denying it, that they had the
 letter which is charged as a forged letter of Mr. O’Kelly, and that it was not disclosed
 as being material. They did not disclose that letter although, as I submit, its
 materiality was obvious, but I pass from that point. What the answer does say is
 that into a box, containing what I know not, what number of documents I know not,
 what class of documents I know not, he deposited (this is the implication I gather)
 amongst others the letter which we allege they had possession of, and which purported
 to be signed by Mr. O’Kelly, and also the letter which purports to be signed by
 Mr. Davitt, and which is described here as a forgery. Your Lordship, when I made
 an application the other day in relation to these documents, was under the impression
 that a schedule had been taken of them.

(The President.) No.

(Sir C. Russell.) Your Lordship so said—perhaps I am wrong that your Lordship
 said it—it may have been Mr. Justice Smith, but some member of the Court said it.

(The President.) No, I think I said I would do my best that one should be made.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*Sir C. Russell.*) I thought your Lordship was rather referring to what had been done. As a matter of fact I am informed that no schedule of them has been taken, and no schedule of them is now in the possession, as I am informed, of the Secretary to this Commission, and I am further informed that they have all been returned and are now, as I am informed, in the possession of Mr. Soames, who is acting as solicitor for the "Times." Now my application is that a further affidavit of documents should be made. I do not understand (and if I am wrong my friend will correct me) that it is denied that there was put into this box, but apparently in a way which escaped your Lordship's attention (I do not say designedly at all, but apparently in a way which in the mass of documents escaped your Lordship's attention), the forged letter of Mr. Davitt.

(*The President.*) It did not escape our attention. You will remember that we of our own motion directed that Mr. Davitt's letters should be shown to him.

(*Sir C. Russell.*) Yes, my Lord, that is quite so. That refers to some letters written to the Governor of Portland Prison.

(*The President.*) No—and also to the other.

(*Sir C. Russell.*) Then let it be so.

(*The President.*) We made no exception. We thought it fair, and stated that as our ground, that Mr. Davitt should see all those letters.

(*Sir C. Russell.*) Be it so. Now I make a similar application in reference to the O'Kelly letter as to which it is alleged in Mr. Lewis's affidavit that he is informed they have such a letter, and Mr. Soames does not in his answer deny they have such a letter. What he does say in effect is this, that he put that letter into the box at or about the time the affidavit of the 12th October, which was the affidavit of discovery, was sworn, and that he has not since had such letter. That is all he says. My application is that a further affidavit of documents should be made. I do not think it is necessary I should enlarge upon the materiality of this letter. I think it is perfectly obvious without its being enlarged upon. I will remind your Lordships what the ordinary course as to further and better affidavits of documents is. You are bound to take, *prima facie*, at least the statement upon oath of the party making the affidavit of discovery, that the documents set out in the affidavit are the documents which are material to the case; but you are entitled to show, if you can, *aliunde*, the possession, or facts from which the Court will draw the inference of the possession, of some documents which may be material in the case. Thereupon, if any one such document is shown to be in existence as I have shown here, the *prima facie* grounds for believing it does exist, then the other parts is called upon to make a further and better affidavit. These are the grounds upon which I make this application, which I should have hoped would have been quite unnecessary, and that the moment he was asked whether he had such a letter he would have felt it consistent with his duty to say either that he had or had not. If he had said he had not, we should certainly have been quite content to receive his statement, but the course he has taken in this case admits in fact he has possession of the letter which we desire to see.

(*The Attorney-General.*) My Lord, I must pass by for the moment any observations made by my learned friend in the nature of reflecting on anything Mr. Soames has done, but I will point out to your Lordship that this is an attempt not only to get a document which my learned friend is not entitled to see, but to go behind the decision of the Court. My learned friend Sir Charles Russell has spoken on instructions beyond the affidavit. It is not correct that this document was in any way concealed, or placed so as not to be seen, or placed so as to escape your Lordships' attention. I am informed that every document was left in an envelope and labelled showing what it was upon the outside, so that there was no difficulty in seeing what the documents were. It was a letter, as I am informed, among those which were put in the box which were obtained for the purposes of the case by Mr. Soames, and I will ask your Lordships to be allowed kindly to remind you of what you said on page 696, and I will show your Lordship in a moment that this is an attempt by Messrs. Lewis and Lewis to get behind and to get information as to the "Times" case which they are not entitled to have, and that there is no foundation for the allegation that they are justified in asking for a further and better affidavit of documents. Your Lordship said this: "With regard to the mass of documents we have examined them" (those were the documents in the box. I think it was called the Exhibit A), "and we find in them nothing inconsistent with the statements which have been made

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ on oath regarding them.” Therefore I am dealing now with the way in which protection was claimed under the affidavit of documents. “ They appear to be documents relating exclusively to the case of *O'Donnell v. Walter*, and they do not in any way tend to assist the case of the other side. We are of opinion that they are not documents to which the persons charged are entitled to inspection. It has, however, occurred to us that with regard to many of them, there may naturally arise this sort of observation upon them:—‘ We knew nothing of these documents, and we are, therefore, not prepared at the moment to deal with them.’ That will be a ground for applying for delay in dealing with them, which, of course, will be listened to. But I must say, in considering this question of the disclosures of the documents, we cannot fail to see that the disclosure of them would show the witnesses who were about to be called, and that is not what litigants are not entitled to. They are not entitled to know the names of witnesses by whom the case is proposed to be supported, and we must be careful in our search after truth that we do not obstruct its sources.” Then your Lordship refers to another matter. Now what has happened is this: Mr. Soames having properly claimed protection, some gentleman, we are not told who, has come to Messrs. Lewis and Lewis—and I will ask your Lordship just to note the paragraph in the affidavit upon which this application has been made. “ That in addition to the said 14 letters,”—those were the 14 alleged letters of Egan's and Mr. Parnell, which your Lordship said, of course, they should see, which they were allowed to see from the beginning, and the Davitt letters. “ In addition to the said 14 letters, and the letters lastly mentioned, I some time since received information, which I believe to be true, that there were in the possession of the said defendant or their solicitors two letters purporting to be signed by Mr. Davitt and Mr. O'Kelly, which had been delivered to them by the same person or persons who had delivered the said letters purporting to be signed by Mr. Parnell and Mr. Egan.” Therefore the statement made is this, on hearsay: that some person has told Mr. Lewis that the “ Times ” has got a letter, and now it is supplemented by the statement that that should have stated a letter signed by Mr. O'Kelly. I will take Sir Charles Russell's statement. I will assume, for this purpose, that there is among those documents a letter, no *prima facie* evidence to suggest that it is a forgery, not previously referred to as a forgery, a letter either addressed to or coming from or in some way connected with Mr. O'Kelly.

(*The President.*) I have taken it down. I thought it was stated it was suggested to be a letter by Mr. O'Kelly.

(*The Attorney-General.*) Yes.

(*The President.*) Who also, I presume is one of the persons charged ?

(*Sir C. Russell.*) Yes, certainly.

(*The President.*) In fact it stands upon an exact parallel line with the Davitt case.

(*Sir C. Russell.*) Precisely.

(*The Attorney-General.*) That is a letter relating to the case of Mr. O'Kelly which your Lordship considered, at the time the matter was before you, was not a letter which should be disclosed. Now, my Lord, the point I desire to make to your Lordship is this. Mr. Lewis, without stating to your Lordship anything more, says:—I am informed and believe they have got such a letter, and he goes on to suggest without suggesting any evidence by which his allegation could be supported, that the letter is a forgery. I submit, if we have a letter signed by Mr. O'Kelly or purporting to be signed by Mr. O'Kelly, that it being a letter for which protection was entitled to be claimed, and was properly claimed by Mr. Soames in the action of *O'Donnell v. Walter*, that nothing has happened to entitled Mr. O'Kelly to see it. I do not want merely to argue the matter upon a point of law. I should submit, if I read the authorities and the rule, that Sir Charles Russell has not stated the rule correctly. The rule is that it must be ascertained from the affidavit of documents or from the documents themselves or from an admission of a party that there was a document which the person was entitled to see. Now, I am perfectly willing to test this matter at once. If this did escape your Lordship's attention, if your Lordship did not see this letter, the document in the box, I will ask your Lordship to look at it again, and if you think it is a letter which Mr. O'Kelly ought to see, I have not got another word to say, but I do respectfully submit to your Lordship, that, except in that view, they are not entitled to come to this Court with an affidavit which simply

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

says: I am informed and believe that the "Times" have got something, which something has already been decided by this Court to be properly protected and then to say they are entitled to see it. Now just suppose, to take a purely hypothetical case, that among the documents of the "Times" is a document signed by somebody else relating to a number of the persons charged. Mr. Lewis may get from the sources at his command information as to part of the case of the "Times." I respectfully urge upon your Lordship that no litigant and no person in the position of the persons charged has a right to come in the course of the case and say: Now, from information which I have received I ask for a further and better affidavit of documents. I think I may challenge my learned friends to point to any authority or a dictum under which a solicitor in the course of a case getting information as to a document, has been entitled to come and say: I am informed and believe you have another document; therefore make a further and better affidavit of documents. In the particular case from which I was reading the language of Lord Justice Brett in the case of *Jones v. The Monte Video Gas Company*, in 5 Queen's Bench Division, page 556, it was laid down that "An affidavit of documents made pursuant to Rules of the Supreme Court, 1875, Order XXXI., Rule 12, is conclusive against the party seeking discovery, unless it can be shown either from the affidavit itself, or from the documents therein referred to, or from an admission in the pleading of the party swearing the affidavit, that other documents exist in his possession or power which are material and relevant to the action." They do not and could not say, of course, that this was a document of which they obtained the information either from the documents themselves or from the affidavit, or, in fact, that it was material and relevant. What Mr. Lewis has thought fit to say is that it is material to the interests of Mr. Parnell that the Defendant should make a further affidavit of documents. That is not the point. They should have sworn it was material and relevant to the case of Mr. Parnell that this particular document, if they are entitled to have it produced, should be disclosed. But I say again, with very great deference to my learned friend's argument, there is no case I am aware of in which an affidavit was allowed to be used respecting information obtained *post litem motam* in order to force a person to give a further affidavit of documents, which is what is now asked for. The result of this would be that Mr. Soames could only repeat again the same privilege which he claimed in the previous affidavit or must be ordered to enumerate the whole of the documents, which, as your Lordship said on the last occasion, he could not be required to do. Now, the Master of the Rolls says this: "We have consulted all the other members of the Court of Appeal who usually sit and act, and we are of opinion that the rule to be observed is as follows: either party to an action has a right to take out a summons that the opposite party shall make an affidavit of documents; when the affidavit has been sworn, if from the affidavit itself, or from the documents therein referred to, or from an admission in the pleadings of the party from whom discovery is sought, the master or judge is of opinion that the affidavit is insufficient, he ought to make an order for a further affidavit, but except in cases of this description no right to a further affidavit exists in favour of the party seeking production." The responsibility rests upon Mr. Soames. In this case at any rate he showed he was willing to submit the matter to your Lordships, because the unusual burden was imposed upon the Commission of going through all the documents; and your Lordships did say, looking through the documents, there was nothing to displace the protection claimed by Mr. Soames. Your Lordship made a special exception in the matter of a Davitt document, and in the matter of some which were admitted by my clients to be forgeries, and which had been treated by them as forgeries and never had been in the box at all. Your Lordship will remember that. They never had been put in the box. Now, with regard to this particular letter which my learned friend's client does not pretend to say it is vital to Mr. Parnell to see, I have already told your Lordship I have not a particle of objection on behalf of my clients to your Lordships looking at the letter, and if you think it is fair that Mr. O'Kelly should see it, by all means. But with reference to this hearsay communication, made it may be yesterday or it may be four or five days ago, possibly by some information obtained from a witness to be called, that the "Times" has got some proof or some evidence which they are about to produce, I submit to your Lordship that there never has been either precedent nor is there any principle upon which a further affidavit of documents can be called for.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

Mr. Seames protected the documents as he was entitled to protect them. Your Lordship has said his affidavit was a perfectly proper affidavit. Neither upon the face of the affidavit, nor upon the face of the document, nor on anything except the hearsay information to Mr. Lewis, can it be pretended that Mr. Soames has done otherwise than properly make an affidavit of documents, and I submit no ground has been made out for a further and better affidavit of documents. My Lord, the only ground upon which it can be suggested Mr. Lewis was justified in swearing that it is "necessary in the interests of the said Mr. Parnell that the said Defendants should be ordered to state upon oath whether they have in their possession, or in the possession of their solicitors, a letter purporting to be written by Mr. O'Kelly, and that the said Mr. Parnell should have inspection of the said letter"—the only ground upon which they can be justified in saying that would be if they think Mr. Soames has committed what would be perjury—told an untruth in connexion with the principle under which he claimed privilege, which principle your Lordships affirmed. I ask your Lordship to say that my learned friends are not entitled to this inspection. I, perhaps, ought to say one word more with reference to the affidavit. My learned friend suggested, or insinuated more than stated, that there was some want of candour on Mr. Soames' part.

(*The President.*) I thought Sir Charles Russell disclaimed that altogether.

(*Sir C. Russell.*) On the contrary, I said I would accept any statement Mr. Soames makes of a matter within his knowledge.

(*The Attorney-General.*) I refer to the passage in which Sir Charles Russell said he would not characterise the affidavit; he would rather read it.

(*Sir C. Russell.*) All I meant by that was he did not deny that such a letter existed.

(*The Attorney-General.*) It is either included in the schedule, in which case it is actually ear-marked—

(*Sir C. Russell.*) What schedule?

(*The Attorney-General.*) The schedule to the affidavit of documents. The letter is either included in the schedule, in which case it is actually marked by letter or number, or it is in the box which was submitted to your Lordships' consideration. Therefore whatever my learned friend may say—and I am not in answer going back from the offer I have made—I say, for it seems to me a fair thing to say, that your Lordship should look at this letter. I humbly submit this application ought not to be acceded to.

(*Sir C. Russell.*) One word in reply. My learned friend seems to me to shut his eyes to the position in which the matter stands. He refers to your Lordships' judgment.

(*Mr. Justice A. L. Smith.*) You ask for a further affidavit of documents.

(*Sir C. Russell.*) We do not care in the least for a further affidavit. We want to see the document.

(*Mr. Justice A. Smith.*) That is the point.

(*Sir C. Russell.*) Then I do not think I need trouble your Lordship.

(*The President.*) I think we will take time to consider. Amongst other considerations will be the document itself.

(*Sir C. Russell.*) I thought your Lordship was rather going to stop me. I should like to point out one or two mistakes which I think my learned friend has fallen into, quite unintentionally no doubt. Your Lordship undoubtedly did make observations, in which you said you thought Mr. Soames might well have supposed that the great mass of the documents in the box were not proper to be disclosed in his affidavit of documents.

(*The President.*) No, what I spoke of had special reference to the letters.

(*Sir C. Russell.*) The Davitt letters?

(*The President.*) No, to the other letters which were said to be spurious, which had been, so to speak, as it was alleged on the other side, foisted upon Mr. Soames. Those were the documents I referred to; and I repeat it was entirely on our own motion that we directed that Mr. Davitt's letters should be seen, there being nothing which led up to it; but we thought in fairness he should see them, and I am bound to say as the matter stands at present, if my attention had been specially directed to Mr. O'Kelly, I should have thought the same about him.

(*Sir C. Russell.*) Your Lordship is perfectly right that there was nothing to lead up to the Davitt letters. There was not, because we were not told in the affidavit of documents of the existence of them. I do not say anything more than that; and if

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

your Lordships had seen the O'Kelly letters and had arrived at the conclusion that there were reasons why that letter should be disclosed and had said so, I should not be making the present application, but my application is based on the fact that your Lordship's attention has never been called to the letters.

(*The Attorney-General.*) You say so.

(*Sir C. Russell.*) Well, the contrary not appearing.

(*The President.*) Till I look at it again I shall not know that.

(*Sir C. Russell.*) Either that letter is or is not a genuine letter. I do not care which branch of that alternative my learned friend embraces. If it is a genuine letter, it is a document which the party who is sought to be incriminated by it has a right to see. If it is not a genuine letter, he has an equal, if not a stronger, ground to see it. If the case put forward on the other side is that these letters are genuine letters, and if we can show that they come from tainted sources—that it is a forged letter. I exhaust the argument by putting it so; and I think we are clearly entitled to have it, and we do not, as Mr. Justice Smith says, care the least about a further affidavit.

(*The President.*) We will reserve our judgment.

(*Sir C. Russell.*) In the absence of my learned friend, Mr. Asquith, I wish to put a further question to Davis. It is only two questions, I think.

Inspector DAVIS recalled.

17,718. (*Sir C. Russell.*) You have spoken of the information which you received about this inner secret circle, as I understood you, of the Land League?—Yes.

17,719. And I understood you to say that you have not followed up that information by making a charge based upon anything against any particular person?—No, I was unable.

17,720. And in fact it has not resulted in any clue?—No.

17,721. Pressed upon that matter as to any connexion between that inner secret circle, to use an expression which I think you used yourself?—It is not mine. I used it, but it was not my expression.

17,722. At all events, I am dealing with it. You said Mr. Boyton had come down Castleisland?—Yes, I saw him there.

17,723. It is in reference to that I want to ask you one question. Was that attending a meeting in Castleisland?—Yes, he spoke at a meeting in Castleisland.

17,724. Except the occasion of his being in Castleisland attending a meeting one day, was he, so far as your knowledge extends, ever in Castleisland before or since?—I never saw him myself save on that occasion.

17,725. I will put it to you further, so far as your information extends?—Well, that would bring it further, because I heard he organised the district.

17,726. I know you suggested that before, but I am asking you, have you any knowledge of his ever being in the district except on that one day?—I have no knowledge myself.

17,727. You seem to imply that you have some information, therefore I want to follow that up. Do you allege that anybody has told you that he was in the district beyond that particular day?—Yes, I heard so.

17,728. Who told you?—The same person who told me the other things I mentioned.

17,729. Was it the informant of 1886 or of 1881?—Of 1882.

17,730. The informant of 1882?—Yes.

17,731. He informed you that he had been in the district?—He informed me that it was he that organised the district; that is all he said.

17,732. Did you learn from that informant how often he had been in the district, or how long?—No, he either did not know or he did not tell me.

17,733. So far as your means of information go as a police officer, either from your own observation or from the police information, which you have command of, do you know or have you reason to believe that he ever was in the district except that one day?—I have no reason to believe it.

Cross-examined by Mr. BIGGAR.

17,734. There was a charge brought against two policemen named Kennedy and Donovan. You remember the two names, do not you?—For what, please? I do not remember the case at present.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

17,735. For wasting ammunition?—That is the Killarney case which was referred to awhile ago, I think.

17,736. Exactly, you remember that case?—I remember hearing of it, but I do not know the circumstances at this moment.

17,737. Do not you know that those two men were charged, among other things, with intimidating?—Yes, I remember. I was on a court of inquiry. I believe I was president of a court of inquiry that tried those men. At this moment I cannot recall all the facts of the case.

17,738. No, but I can draw your attention to the evidence of the parties who were intimidated?—Yes, you may.

17,739. "John Doyle, a labourer, heard shots fired about midnight over his house, and heard violent shouting. His door was broken, it would seem, by kicks." Then Kate Doyle, his wife, "was awakened by shots and shouting, was greatly frightened, "looked out and saw three policemen, or men dressed in their clothes, one some "distance in front of the others on the public road." Now, as you have told us, you were president of the court of inquiry into the conduct of these two men?—Yes.

17,740-1. Do you happen to remember what punishment was inflicted upon these two policemen?—I do not remember indeed, but the head constable is here who can tell you all about it.

I will read you what the finding was if you choose. I can tell you what it was. The finding was that they got 2*l.* each.

(*The President.*) He says somebody who knows will be here to whom you can put it.

17,742. (*Mr. Biggar.*) But this gentlemen was chairman of the court. He has the inspector general's report?—Yes, but I cannot recall it, there were so many events happened at the time; I could not recall everything of that kind to my memory.

17,743. I suppose you made a report to the inspector-general. You were president?—Certainly I did.

17,744. Did you give what you thought a fair estimate of what was the amount of criminality in the conduct of these two men?—We found them guilty; that is all we have to do.

17,745. Then the inspector-general gives a decision as to the amount of punishment?—Yes.

17,746. My Lord, I might ask whether the witness remembers that the punishment was a fine of 2*l.* each on these two men, with removal to another district?—I have no doubt that was the punishment. Now, when you recall it to my memory, I have no doubt.

17,747. Do you say that is the usual police estimate of the amount of criminality attached to such conduct as that pursued by these two men?—The whole thing resolved itself into a case of some policemen being drunk and acting in an improper way.

17,748. And intimidating these unfortunate people?—No, I do not know that there was any intimidation at all in the matter. I think they misconducted themselves, for which they were punished.

17,749. Shooting outside the dwelling and intimidating, according to the evidence of these two witnesses, which I read?—You did. Firing shots on the public road is calculated to intimidate, but there was no intention. I do not suppose they knew who they were perhaps.

17,750. Suppose laymen had been there practising the same conduct, would you think the police officers would estimate their conduct at the same rate?—A great deal would depend on the motive of the persons who acted in that way.

17,751. How are you to find out the motive?—It would be very easy to find the motive out.

17,752. It would be easy to find out the motive?—I should say so.

17,753. There was another man—Moriarty—and another, Moroney, mixed up in this case; do you remember anything about his case?—No; but if you have it there, and would read it for me, it would recall my attention back to it.

17,754. What Moroney did was this. He had deposed to the finding of cartridges in a wood near to which the police passed?—I cannot recall the circumstances. There was something of that. I think there was a plantation, as well as I remember, near the barracks at Farranfore, where those men were stationed, and I think there was

27 Nov. 1888.

WILLIAM DAVIS.

[Continued.]

some ammunition found there, but under what circumstances now I could not tell you.

17,755. You do not happen to remember whether or not this ammunition which he professed to have found there was ammunition, which it was found out afterwards had been brought there and laid down there for the purpose of misleading the police authorities?—That is possible, but all the documents can be obtained. I could not recall to my memory what occurred.

17,756. I will read you the paragraph and finding with regard to Marcney. “Con-
“ stable Maroney acted in a most deceitful and improper manner. He was fined 10s.,
“ and seriously cautioned as to his future conduct” ?—That may be the decision, but I could not tell you at this moment.

17,757. That would be the estimate of the treatment which a layman would get if he was proved to have assisted to screen people who were guilty of a serious offence?—It was a very gross breach of discipline.

17,758. (*The President.*) [That case depends on its own circumstances, and we cannot try that case?—It was a very gross breach of discipline.]

Re-examined by SIR H. JAMES.

17,759. You were first asked by my friend, Mr. Asquith, as to threatening letters that you had known of?—Yes.

17,760. Had you ever known any such number of threatening letters in any district as you found in the Castleisland district?—Never.

17,761. Of what character were the threatening letters you had known of before. Did they refer to the taking of land or evicted farms?—I have no recollection of any having reference to the taking of land or evicted farms.

17,762. The next subject you were asked about was Mr. Herbert's unpopularity as a magistrate. My Lord in reference to that we shall put in the *Kerry Sentinel* of March 31st 1882. It is a leading article.

(*Mr. E. Harrington.*) No.

(*Sir H. James.*) It is in very large type, and is under the heading of the *Kerry Sentinel*, but Mr. Harrington is quite right, there are the words, “From our correspondent.”

[*The article was put in and read, and was as follows.*]

“Murder of a magistrate (from our correspondent).

“Yesterday evening, apparently about the hour of 6 p.m., a very shocking
“murder occurred in the neighbourhood of Castleisland. Some 20 minutes
“before that hour it would appear that Mr. A. E. Herbert left the town of
“Castleisland to proceed on foot to Killientierna, a distance of about five English
“miles. He must have left Castleisland, on whose bench he, as a magistrate,
“presided on that day, somewhat about half-past 5 on yesterday evening.
“Indeed, it seems rather strange that one so very generally unpopular as
“Mr. Herbert should take this course. Five miles on foot seems at even
“ordinary times a hazardous journey by night, but we again reflect on the fact
“that Mr. Herbert, either through his misfortune or his fault, had succeeded in
“incurring the displeasure of the Land League.”

I am reading it as it is.

“There will then arise some things of a political complexion in the horrid
“affair. So far as the informations, combined with the opinion of our most
“influential citizens, may go in elucidating the cause of death, we may say that
“the verdict will be somewhat thus:—that death in this instance was the result
“of the foolhardy bravery of the deceased. Mr. Herbert could scarcely have
“reached the middle age. He was the son of the late parson Herbert of
“Killecentierna, and was unmarried, leaving as the most immediate mourners
“of his death a sister and an aged mother. Your correspondent visited the
“scene of the outrage late last night, or early this morning, and even then some
“arrests had been made, without, however, it would appear, more than the
“barest suspicion. It is very hard to arrive at anything like a surmise of the
“causes which eventually resulted in this horrid affair. Deceased never shirked
“the performance of the duties which pertained to him as a justice of the peace.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ In truth, he rather glorified in having an opportunity of disregarding the wishes of the people when it was open for him to do so. He could scarcely be called a landlord, and the relation of agent and tenant, which almost by haphazard cropped up between him and the people of Knocknaboul, must be the sole basis on which to rest any Land League complexion of this murderous affair. Your correspondent, from inquiries and observations on the spot, would lean to the opinion that deceased was attacked from behind a tall hedge on his left side, and that, in trying to return the fire of the gun shot, he was fatally wounded in the right hand, which was reaching for his revolver, and so through the right lung, this being the immediate and adequate cause of death. He fell within 3 feet of a telegraph pole, 30 yards away from where he first must have been fired at. The shocking affair has much affected all parties, as the general belief is the unfortunate deceased came by his death in consequence of his impulsive championship of a side and a class, which, after all, his interest could not be great.”

I suppose his interest “ in ” could not be great.

17,763. I suppose this *Kerry Sentinel* to your knowledge was circulating in the county at that time?—Yes, it was.

(*Sir H. James.*) Is there anything else you want read in that paper?

(*Mr. Reid.*) I am going to ask my Lord’s permission to read the 14th April. This is the *Kerry Sentinel* of April 14th.

(*Sir H. James.*) I have no objection.

(*Mr. Reid.*) I thought my friend had finished.

(*The President.*) I understand Mr. Reid wishes to call our attention to something.

(*Sir H. James.*) He asks so. I am not reading this to show any improper observations, but to point out what was the cause of the death. I do not know whether your article bears on that point.

(*Mr. Reid.*) I have only just looked at it myself. I hardly know. I am afraid it is rather long.

(*The President.*) Take your time.

(*Mr. Reid.*) I will read it to myself first.

17,764. (*Sir H. James.*) You were next asked as to the meetings between October 1881 and until October 1884, and you were asked about the Land Act and the Arrears Act. Did the Ladies’ Land League meet after October 1881?—Yes.

17,765. The organisation—the Ladies’ Land League—exerted itself?—It did.

17,766. Was there one lady, my friend asks me to name particularly, who made herself conspicuous—Miss Reynolds?—Miss Reynolds was down in the district.

17,767. You were asked as to the Acts which came into operation?—The Crimes Act came into operation on the 12th July, or in July 1882?—Yes, I think so, about that time.

17,768. Is it your observation that the Crimes Act had any power in repressing crime?—Is that the Act of 1882?

17,769. Yes?—Undoubtedly it did.

17,770. You were next asked as to a speech which was made in the district. I think it was my friend, Mr. Reid, who read the speech of Mr. O’Rearden. My friend read a portion of that speech. It was long and therefore he did not read it all. There are only one or two passages I should like to read in relation to the passages in which Mr. O’Rearden denounced crime. In the same speech Mr. O’Rearden said “ this: I have a great objection to bring any man’s name under censure, public or private, but I will not withhold the name of the landlord here to-day. The name is Mr. William Hartlet; the name of the agent is Mr. A. Herbert; and I brand them here to-day as disturbers of peace and order in the land.” Then, my Lord, after speaking of Griffith’s valuation he proceeds. “ We are told that this landlord and agent intend to come out here and serve these people with writs and ejectment processes. Now I am here to-day to tell this Mr. Arthur Herbert (boos) that if he comes into this remote district to disturb the peace, that if he dares to do it, that, though we will not injure a hair of his head, that we will make an example of him (cheers).” Then, my Lord, he proceeds: “ If Mr. Forster is just, let him raise himself above the prejudices to which he is listening, and let him apply his coercion to anyone who may be calculated to excite disturbance. Now, England, as far as I know, has never done that in Ireland, and am I to expect that this Mr.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ Arthur Herbert will be so treated? Is, therefore, this Mr. Arthur Herbert to be
 “ allowed without our protesting against it? Is he to be allowed to come into this
 “ district to create disorder and break up happy homes, though poor homes? I say
 “ he will not.” Then it proceeds a little further. This is the passage my friend read,
 I will read it as a whole: “ If you want to understand how sublime is the philosophy
 “ of catholicity, what a high and noble culture it can impart, even to those whose lot
 “ in life is cast apart from them, go into one of these cabins and you will see it
 “ there realised in an extreme degree. Is, therefore, Mr. A. Herbert to be allowed
 “ to come in here and break up the homes of these poor people, and cast them
 “ adrift on the waves of the world? I say he will not. We will not insult him; we
 “ will not offer him violence; we will not do him the smallest injury. The man that
 “ would go now and offer him insult, or do him the smallest injury, would be the
 “ greatest enemy we have. A man said to me that Mr. Arthur Herbert, after what is
 “ said of him to-day, will go and get a rick of straw of his burned, or do something
 “ else. Now, I say any man who would do that man an injury, you should treat him
 “ as your greatest enemy. Leave him to us, and leave that village tyrant to us, and
 “ if Mr. Forster does not arrest him (cheers) I say, speaking seriously from my heart,
 “ speaking the sentiments of my heart to you, I say if that man ever comes before
 “ them disturbing the peace for breaking up the homes of the people, I say that man
 “ has as good a right to be put in gaol as many a man that is in it. I say to you,
 “ Leave that village tyrant to us, and we will keep an eye to him, and if we possibly
 “ can we will guard you against him if there is any liberty in Ireland. I ask you all
 “ to do this; the public in every town and village; and mark you, you are the public,
 “ that if Mr. Arthur Herbert comes to — (*name not distinctly heard*) to serve writs
 “ and create disorder to the public, that we will by every lawful means endeavour to
 “ make him a remarkable man in the country (cheers). I will also ask you to tell
 “ everyone that you meet, that no man must do him the slightest injury; that no man
 “ must insult him; that no man should offer him any violence; and that the man
 “ that would suggest it, that that man is the friend of Mr. Arthur Herbert, and is an
 “ enemy to you, and to our cause.”

(*The President.*) This was read before.

(*Sir H. James.*) Those words my friend read. “ Now, ye will all promise me to do
 “ that. Will you promise that you will leave him in our hands; we promise you that
 “ in that case, that if we can, that we will endeavour to stop his course of licentious
 “ disorder in this district at all events; and I think it is very likely we will succeed.”
 Then I do not know that I need read it in full, but my friend read properly enough,
 question and answer (21,426) of the Cowper Commission. May we refer your
 Lordships to the previous answers? I do not know whether the Commission is before
 your Lordships.

(*The President.*) No, I have not it.

(*Sir H. James.*) I should like to read the previous answers beginning at 21,457. A
 question was put by one of the Commission, Lord Milltown. “ And you cannot proceed
 “ against anybody? (*A.*) No, because every person would say that they did nothing
 “ to him.” This is a particular case. “ (*Q.*) But wasn't he denounced? (*A.*) It was in
 “ the League. (*Q.*) You cannot get any evidence of that? (*A.*) No, because these are
 “ closed completely to us. We have no permission to enter these places, and we know
 “ nothing but what is in the papers. (*Q.*) If you had permission then, you would be
 “ able to obtain evidence? (*A.*) Certainly. (*Q.*) At present the law is powerless?
 “ (*A.*) The law is powerless. (*The President.*) How far has boycotting affected the
 “ payment of rent? (*A.*) My Lord, this Castleisland district has been so organised
 “ since the commencement of the Land League that people who would be inclined to
 “ pay their rents are afraid. (*Q.*) Have the rents not been paid? (*A.*) The rents have
 “ been paid hitherto on getting a reduction. (*Q.*) Then the boycotting is not so much
 “ practised against the payment of rent at this moment as it has been? (*A.*) Well, my
 “ Lord, perhaps at this moment there is no danger of its affecting it in that way.
 “ (*Q.*) But the system still exists and could be turned against the payment of rent at
 “ any moment? (*A.*) Unquestionably. (*Q.*) And you consider that the better payment
 “ of rent which takes place now, is in consequence of the National League telling the
 “ tenants they may pay if a reduction is made? (*A.*) I only know as much as is in the
 “ newspapers. There is only really one branch of the League at Ballymacelligott,

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“practically working in the Castleisland district. There are three or four other branches, but they seldom or never meet. It is not necessary, I should say.”

(*The President.*) That is what was read before.

(*Sir H. James.*) “It is not necessary, I should say, considering that intimidation is so extensive in the district.”

17,771. That, according to your view, is correct?—Yes.

17,772. When was this effect, as you say, of the Land League influence produced. It ceased in 1881. Did you find a feeling of terror existing before the Land League ceased?—It continued the entire time I was there.

17,773. You have told my learned friend that the moonlighters were the secret police of the Land League, and used to carry out the orders of the Land League?—So my informant told me.

(*Mr. Reid.*) He did not say the secret police.

(*Sir H. James.*) Yes.

(*The President.*) He said that is what he was told.

17,774. (*Sir H. James.*) In answer to my learned friend, Mr. Asquith, I think I have correctly stated what you said?—Yes; that is what I said.

17,775. Did you know of any other means the League had of carrying out their decrees except by the influence of these moonlighters?—No.

(*Sir C. Russell.*) Really, really.

17,776. (*Sir H. James.*) You told my learned friend you had satisfied your own mind as to some of the letters?—Yes.

17,777. Of course, in satisfying your own mind of the writers of some of the letters, I presume they were persons you knew, as you thought?—As I thought

17,778. Were those persons whom you believed to have written those letters Land Leaguers or not?

(*Sir C. Russell.*) Now, my Lord, is that possibly in any view fair?

(*The President.*) No, I do not think that is admissible.

(*Sir H. James.*) I do not quite understand the objection. The question was put to him in testing his evidence. Did you find out who wrote these letters. No, not positively, but I satisfied myself in my own mind.

(*Sir C. Russell.*) Yes, but he added to that, “Not sufficient to satisfy the authorities.”

(*Sir H. James.*) I think, to be able to prove a thing to satisfy legal evidence and obtaining knowledge are two very different things. With great submission I will not pursue it if you think it not right. I should have thought in re-examining, having obtained from him the fact that he did come to a conclusion they were certain persons, that as to the class of persons—

(*Sir C. Russell.*) Is not it tantamount to saying, “Who do you suspect?”

(*The President.*) That is the view I take of it. It is only asking, “Who do you suspect,” and that his superiors were not satisfied of.

(*Sir H. James.*) If your Lordship thinks so I will not ask it.

17,779. You were asked about two different persons who gave you information, one in 1882 and one in 1886?—Yes.

17,780. Did the information you received from them correspond or not?—It did. The one in 1886 went farther.

17,781. But so far as 1882 went in the same path as 1886, did the information correspond?—It corresponded.

17,782. Mr. Davitt asked you whether you had ever known persons whom you knew to be Fenians, also to be moonlighters?—I had no experience of Fenians at all.

17,783. Committing outrages as moonlighters?—I never heard of that.

(*Sir C. Russell.*) Mr. Davitt did not ask that.

(*Sir H. James.*) I am within my Lord's recollection, whether persons who were Fenians had been committing outrages?

(*Sir C. Russell.*) No, I assure you, you are mistaken.

(*Sir H. James.*) I am likely to be wrong, but I think he did.

(*The President.*) I have not completed the sentence. I have only “Fenians did not,” and then I have not finished it.

(*Sir H. James.*) If I have anything from you I will take it.

(*The President.*) Perhaps some gentleman has a note. I know mine is incomplete. “The Fenians did not”——

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

(*Sir H. James.*) Will your Lordship allow me. Mr. Davitt entirely agrees with what I was endeavouring to put. Mr. Davitt's view is that he asked the witness whether he had ever heard of the Fenians committing outrages. That is what Mr. Davitt communicates to me.

17,784. You hear what you have said, according to Mr. Davitt's view and my view too, that the Fenians have not committed outrages. Did you know any persons in this neighbourhood as being Fenians in Castleisland when you were there?—They were pointed out to me; yes.

17,785. Did you mean, by the answer you gave to Mr. Davitt, to except those persons from the persons who committed the outrages?—I could not.

17,786. Were these persons whom you have now told me you believe to be Fenians, or were they not known to you as Land Leaguers?—Yes, they were represented to me as Land Leaguers.

(*Sir C. Russell.*) By whom represented, by the same informant?

17,787. (*Sir H. James.*) Where did you get your information from?—The police told me who were in the habit of attending those meetings. Then the other man told me what they were.

17,788. And I understand from you, I think you answered the learned President, that some of them were seen by you, attending both public meetings and attending at the meetings of the League?—I have never seen a Land League meeting in private, but out on the street, when they were addressed in public.

17,789. When you say they addressed the public, do you distinguish those addresses from meetings, or as being the same as meetings?—Certainly, because I know nothing of what took place at the indoor meetings.

17,790. When they addressed meetings from the Land League houses or other places, have you seen these persons attending the meetings?—Yes, I have.

(*Mr. Reid.*) My Lord, upon this question of the *Kerry Sentinel*, I have used the time to shorten the matter. It is a leading article, dated the 4th of April 1882, of course the whole of which I put in.

(*The President.*) It will all be put in, and you are going to call our attention to special passages.

(*Mr. Reid.*) Just one or two passages. It speaks of the murder of Mr. Herbert as "a story of horror, one human life being foully and brutally taken," and "this disgraceful deed."

(*The Attorney-General.*) I think that sentence should be read, please. "It should be well realised."

(*Mr. Reid.*) If you please, I will read it.

(*The Attorney-General.*) I rather think the whole had better be read.

(*Mr. Reid.*) I assure your Lordship it would be a waste of time to read the whole thing.

(*The President.*) You will promise not to read it again, by and by.

(*Mr. Reid.*) I will not. I will only read each sentence containing the words I want to refer to.

(*The extract was put in and read, and was as follows:—*)

[“The murder of Mr. F. Herbert, J.P.] There is, indeed, very little to add to “the story of horror which we had to give in our last about the awful fate of “Mr. Arthur Herbert, J.P., of Killienticrna.”

That is the first sentence I read.

[*“The inquest has been held, and the usual verdict returned. The jury, as “might have been anticipated, came to the conclusion that he ‘was wilfully “murdered by some person or persons unknown.’ There was, indeed, little room “for any other conclusion. Heartless and unfeeling sceptics might have raised “other theories, had there been room to do; but the evidences of suspicion were “overpowering to anyone viewing the body of the deceased. The wounds have “given rise to some speculation as to the manner and mode of the murder, but “afford no room for a theory that would, in the present distempere d state of the “country, find ready supporters, namely, that they were self-inflicted. The marks “are those of about 11 grains of shot on each arm, and a rifle or revolver bullet on

* Passages enclosed within brackets were not read..

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ the right breast, and also the riddling of the right hand, transversely, through
 “ and through. The left arm is broken, the doctors say, by the fall, and apparently
 “ they are correct in this surmise, though it is very hard to accept their theory
 “ that the bullet must or even may have fallen out of the body. The wound takes
 “ an inward and downward course, and the bullet must undoubtedly be still
 “ lodged internally. Seven arrests have up to the present been made. These
 “ arrests seem to be somewhat inexplicable to everyone at present, except to the
 “ police, who of course have their own instincts in such matters and follow them.
 “ Three arrests were made in Castleisland and one in Ballymacelligott, and three
 “ in Queenstown, of young men who were ready to sail for America, having, as
 “ we are informed by a Castleisland emigrant agent, booked for America with
 “ him long previous to the occurrence. Where or when the prisoners will be
 “ brought up is, of course, exclusively known to the authorities; and it is more
 “ than probable the investigation, as is now the staple practice in Kerry, will be
 “ secluded from the press. How the ends of justice can be better advanced by
 “ holding those courts in secret we cannot well define. There is an immense
 “ reward of 1,000*l.* gazetted for any person giving information likely to convict,
 “ and it is not beyond the range of possibility that this stimulus may, more than a
 “ love of truth or justice, have to do with the nature of evidence given. The
 “ questions may be leading and irrelevant, and even unfair, but there is no lawyer
 “ to object. If there be, then there is independent record of his objection. The
 “ usual maxim of the police authorities—that everyone accused is guilty until
 “ proved innocent, and even after—may, for all the police know, be acted on in
 “ dealing with those young men charged.] It should be well realised that though
 “ one human life was foully and brutally taken, the lives of seven young men are
 “ now at the mercy of any informer who might account himself capable of
 “ sustaining a good story against any one of them.”

That is the second sentence I read.

[“ It is to be hoped, therefore, that the light will be let in as soon as possible on
 “ the mysterious manœuvres of the police. A nasty and mysterious occurrence
 “ took place at Killientierna on the night of the murder or the morning following.
 “ It has appeared, reported in most papers before we published it, for though our
 “ correspondent left Killientierna House about 4 that morning, he had not then
 “ heard of it, nor was it then seemingly known to the police. It would appear
 “ that about a dozen young lambs were found in the lawn killed with some sharp
 “ instrument, which had been driven through the side of each. Stabbed with a
 “ pike or pitchfork is the flippant way in which it is accounted for by those who
 “ do not seem to regret the occurrence, inasmuch as it seems a transparent
 “ evidence of a sympathy with the murder in the locality. From the description
 “ afforded us by some of those who saw the lambs it would appear as if there was
 “ but one puncture in most cases, and where there were two that they were not
 “ at the distance apart that would suggest a pike or pitchfork. A bayonet or a
 “ sword cane, that is the lance which is sheathed in what is commonly known as
 “ a tuck stick, would, they say, inflict the wounds.] It may seem unkind to vent
 “ this notion, but then the people in the district have a character to maintain as
 “ well as others, and they also have a keen monetary interest in shifting the
 “ responsibility of this disgraceful deed from their own shoulders.”

That is the third sentence. Now the last part is expressly to rebut the suggestion of the Attorney-General when he read a previous extract from the *Kerry Sentinel* so as to say that the *Kerry Sentinel* did attribute his murder to his magisterial character, or that the magisterial character of Mr. Herbert had relevancy to his murder.

[* “ Already a claim of 10,000*l.* has been lodged by the relatives of the deceased,
 “ and if the people of the district or any others wished to devise a means of
 “ legalising the claim, and further the chances of its being levied by the grand
 “ jury, they could not take a better course. Of course there is no law at present
 “ for this claim, but then we are accustomed to see grand juries and judges ignore
 “ law; and what is to prevent them? The three prisoners arrested in Queenstown
 “ were discharged yesterday, and this, with the discharge of Kennedy, leaves only three
 “ prisoners now in the hands of the police, namely, Casey, Coffey, and Mahoney.
 “ The latter is the young fellow who was tried at the last assizes for the posting

* Passages enclosed within brackets were not read.

27 Nov. 1888.]

WILLIAM DAVIS.

[Continued.]

“ up of the moonlight notice on the gate of Clogher’s chapel. Mr. Herbert was
 “ on his jury, which was fairly split on the question of his guilt or innocence.
 “ Every little circumstance that could bear on the tragic occurrence which has
 “ taken place will now be recounted, and even matters which may be very
 “ remotely or even ludicrously connected in the imagination of some will go the
 “ rounds of the press. A great deal of capital is made out of the circumstances
 “ of the funeral, with which to fasten odium on the people around there; but
 “ then we doubt if the early hour and wet state of the morning were calculated
 “ to bring many together at the funeral of any landlord in Kerry, no matter how
 “ he might come by his death. A rope (which it appears was not at all required)
 “ was sent for to a neighbouring house, and it was not procured. The people
 “ may not have had it, or they may never have been asked for it, for aught we
 “ know. Another, and more quaint class of stories, may be heard about the presenti-
 “ ments which the deceased was obliged to have of his awful fate. A contemporary
 “ gives a strange anecdote of a dream deceased had long ago that he would be
 “ shot, half way between Castleisland and his home. Perhaps the anecdote we
 “ have heard is still stranger, though we have not seen it published. On last
 “ St. Patrick’s day Mr. Herbert is said to have laid a wager (with a gentleman
 “ whose duties subsequently brought him beside the dead, where he is alleged to
 “ have told the story) that he would not be living in Killientierna House on that
 “ day twelve months, and that a certain respected priest of the locality would
 “ then reside there. It is not expected of us to say how much value we attach to
 “ these stories, and we will not volunteer an opinion further than that we believe
 “ if all the curious expressions and fancies of such a man as the deceased were
 “ analysed the recorder would lose their point.] Arthur Herbert had no
 “ presentiment of his death, as is evidenced by his contempt of what would be
 “ his real safety, the popularity and esteem which a country magistrate who
 “ administers the law fairly and in a becoming manner always enjoys. He
 “ made himself, unhappily, the dupe and tool of a cowardly clique of Kerry
 “ landlords, whose shoulder patting and flattery nerved him in his rash contempt
 “ of the people. ‘His was the fault of head, not heart,’ will readily be admitted
 “ by those whose duty compelled them often not merely to differ from him, but
 “ fight with him. It would have been better for the bench and for himself had he
 “ never got the commission of the peace. And it would have been still better
 “ had he been removed therefrom when his rashness too patently demanded it.”

(*The Attorney-General.*) Immediately following that passage which has just been read, “too patently demanded it,” is this:—

“ This is not the only Irish outrage that Mr. Forster and the Whigs can claim
 “ the credit of abetting, if not originating. Had some more regard been paid
 “ from time to time to the wishes and demands of the people, and virulently
 “ obnoxious persons removed from power when peace demands it, then there
 “ could not be that passive sympathy with horrible crime rife among the peasantry
 “ which is the shield of the vengeful assassin both before and after the execution
 “ of his awful plot.”

There is one sentence in the middle which is of importance. It follows immediately after the statement about “one human life so foully and brutally taken, the lives of seven young men are now at the mercy of any informer.” “It is to be hoped, therefore, that the light will be let in as soon as possible on the mysterious manœuvres of the police. A nasty and mysterious occurrence took place at Killientierna on the night of the murder, or the morning following. It has appeared, reported in most papers before we published it.”

17,791. Killientierna was Mr. Herbert’s house?—Yes.

17,792. “For, though our correspondent left Killientierna House about four that morning, he had not then heard of it; nor was it then, seemingly, known to the police. It would appear that about a dozen young lambs were found in the lawn killed with some sharp instrument, which had been driven through the side of each. Stabbed with a pike or pitchfork is the flippant way in which it is accounted for by those who do not seem to regret the occurrence.”

(*The President.*) What is the object of this?

(*The Attorney-General.*) Your Lordship will find the outrage is attributed in the *Kerry Sentinel* in part to the police.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

(*The President.*) Even if it be that does not throw any light upon what we are inquiring into.

(*The Attorney-General.*) If the whole article is printed I do not want to go into it now.

(*Mr. Reid.*) I want to refer to one question and answer from the Cowper Commission. It is only fair after what my friend Sir Henry James has referred to in re-examination. It is question 21,471. “(*The President.*) Then I gather from you “ that there is less outrage now than there had been in former days, and that the “ system of boycotting still prevails very extensively, but that rents with abatements “ are being paid better than they had been? (*A.*) Yes, and unquestionably in that “ district abatements are necessary. (*Q.*) And are being made? (*A.*) They are “ being made.”

(*Sir H. James.*) Then will your Lordship kindly take the date of that examination as being December 3rd 1886.

17,793. Partly upon that, and I will only ask one question, is this Castleisland a fertile district or not?—What is known as the Valley of Castleisland I should call a fertile district. There is a large mountain district attached to it.

17,794. (*Mr. Justice A. L. Smith.*) Did you state in February 1881 a man came from Dublin to organise the Castleisland district?—I saw him in February 1881.

17,795. You said his name was Boyton?—Yes.

17,796. You said he made a speech?—Yes.

17,797. Did you hear him make a speech?—I did.

17,798. What did he say?—I think it is reported.

(*The President.*) Is it a speech which has been reported?

(*The Attorney-General.*) I have read it.

(*Mr. Justice A. L. Smith.*) I beg your pardon.

(*The Attorney-General.*) My recollection is I actually read it.

(*Sir C. Russell.*) May I correct a misapprehension. He did not say Boyton came from Dublin to organise. He said Boyton came, and he heard him make a speech. He said he was told by an informant that he organised.

(*The President.*) Yes, that is so. It is reported under what date?

(*The Attorney-General.*) I cannot give you it at this moment; of course I ought to be able to, but I cannot.

(*Sir H. James.*) It was read in opening, but not proved. We have not come to it. It was referred to by my friend, the Attorney-General, but not proved.

(*Mr. Murphy.*) I will find it.

Inspector GILHOOLY recalled.

(*Sir H. James.*) This is the book that my learned friend has asked for, which we have called the book, one class; it is the corresponding book to that which has been produced. This covers the years 1878, 1879, down to 1880, to the date when Castleisland became a sub-district. This book contains not only the Castleisland entries, but the Tralee entries of this district, of which Castleisland is a part. I have had an opportunity during the proceedings of extracting the entries from the book in 1879 of the Castleisland crimes, and I think it would be convenient to go very shortly through them. They are only 13 in number. The entries of all the Castleisland crimes and offences in 1879 are proved by this book, if my learned friend, Sir Charles Russell, will kindly follow it.

(*The President.*) You propose now to carry that record back one year?

(*Sir H. James.*) I do, my Lord, if your Lordships will allow me, for the year 1879. The first entry for the year 1879 at Castleisland as distinguished from the other districts is on the 25th February 1879: Mary Barry, knocked down, life endangered by a horse (a poor butcher's daughter). Case tried at Castleisland Petty Sessions, 20th March 1879. Information refused, the magistrates being of opinion it was purely accidental. Then we go to the 11th June 1879: “Breaking windows in the Cordal dispensary; destroying medicine and bottles.” That is the second crime. “17th June, “stones averaging half a pound laid along the Castleisland railway, property of the “Castleisland Railway Company. Not discovered—no clue. 29th June, assaulting Pat “Mahoney, gamekeeper, throwing stones at Edward Boyle and John Connor, game- “keeper, and threatening Edward Boyle. No trial and no clue. 10th July, cow stolen “from Daniel Monaghan, farmer. The cow was found straying.” The next charge is

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

the 25th July 1879, "two goats strangled over Cordal Bridge, property of Edward Boyle, gamekeeper. Boyle was allowed 2*l.* compensation at Tralee Special Sessions, "29th July, Castleisland." I will show my learned friend this; this is not approaching an outrage; it is personal violence to a woman. "1st August, Castleisland. Murder of Daniel Flynn, and robbing him, small farmer and publican." The entry is "Daniel Dunbarry, found guilty of manslaughter at Munster Winter Sessions, held at Limerick on the 17th December 1879; sentenced to 12 months' imprisonment, dating from the 1st August 1879. 27th August, Castleisland. A crop of hay, about 12 cwt., thrown into a river, and donkey-cart thrown over a bridge and broken (malicious). The property of John Rorke, labourer. 2nd September, Castleisland, cut with a scythe the arm of Dennis M'Auliffe, a small farmer reported to," so and so, "tried before the magistrates at Castleisland Petty Sessions on the 30th October 1879. Murphy was acquitted, magistrate believing it was purely accidental. 13th September, windows broken with stones in dwelling-house. "Three timber-gates broken." Thomas Brown, farmer, 4th October, is the next; I cannot find that.

(*Sir C. Russell.*) That man was afterwards shot.

(*Sir H. James.*) That is the same man, is it; it does not state here. "The 20th November, stabbing of John Lynch, labourer, on left temple and on back of the head with a penknife. Daniel Moyinhau tried and convicted at Tralee Assizes, 11th March 1880, but owing to delicacy allowed out on his own recognisances." That is the whole of the crime at Castleisland during the year 1879, so far as the book shows.

(*Sir C. Russell.*) Well, you will hear.

(*Sir H. James.*) So far as the book shows.

Cross-examined by Sir C. RUSSELL.

17,799. Was there a book kept at Castleisland when you were there?—There was.

17,800. Where is it?—It is not here.

17,801. Where is it?—It is only a station book.

17,802. Was there a book which kept a record of crimes and offences?—Yes, all prosecutions prosecuted by the constabulary.

17,803. Where is it?—I have not it here.

17,804. What was the extent of the district, the offences and crimes in which were reported or recorded in that book?—I do not understand you.

17,805. Up to 1880—I understand the district was enlarged in 1880?—No, it was not enlarged.

17,806. We heard it was, that is all?—There was one station, Farrangore station, I think, added to it.

17,807. Then the district was enlarged, was it not, if Farrangore was added to it?—But there was another station taken from it then.

17,808. Was that as large a district as the other?—It was.

17,809. Was not the district of Castleisland formed in 1880 first?—It was; it was made a district head-quarters there, a sub-district.

17,810. And up to that time, when you describe the offences in Castleisland, you mean, do you not, in the town of Castleisland?—No.

17,811. What do you mean then?—The whole district.

17,812. But you tell me the district was formed in 1880?—Yes—a head-quarters station, an officer's station in 1880.

17,813. It was made a head-quarters station in 1880?—Yes.

17,814. Do you say that the district was not larger in 1880 than what was called Castleisland in 1878 and 1879, aye or no?—Castleisland was made an officer's station then in 1880.

17,815. Tell me whether the district you call Castleisland in 1880 was, or was not, larger than you called Castleisland in 1878 and 1879?—No.

17,816. When were you first asked to give evidence?—This morning I gave it.

17,817. This morning you were asked?—To give it?

17,818. Yes?—Last June I was brought here on a subpoena.

17,819. You were here last June?—Yes.

17,820. Who brought you here last June?—I was subpoenaed by the *Times*.

17,821. Who subpoenaed you?—Mr. Bolton.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

17,822. It was stated by my learned friend on Friday, in contradiction to a statement of mine, that Mr. Bolton is a solicitor with private practise, is that true?—I cannot say that.

17,823. You know he is a Crown official, and a Crown official only, with no private practise, do you not?—I know he is a Crown official in Ireland.

17,824. And that is the character in which you knew him?—Yes.

17,825. And that only?—And that only.

17,826. Did he take your evidence?—No.

17,827. Who took your evidence, if anybody?—Nobody took it.

17,828. Then you never gave your evidence to anybody?—No; I gave a statement.

17,829. When did you give your statement?—I gave it to Mr. Horne.

17,830. When?—Last June.

17,831. Where?—At the Inns of Court Hotel.

17,832. Who is Mr. Horne?—He is a resident magistrate in Ireland.

17,833. And he was taking the evidence of witnesses, was he?—No, I only wrote out a statement of my evidence, and gave it to him.

17,834. Did he go over that with you?—No.

17,835. Why did you give it to him?—Because he was an official over me.

17,836. He was at that time an official over you?—Yes; and always.

17,837. Is he now?—He is.

17,838. Still an official over you?—Yes.

17,839. Did he get any other statements of witnesses that you saw?—I could not say.

17,840. That you saw?—I did not see any.

17,841. Just let me ask you a general question or two; what countryman are you yourself?—A county Leitrim man.

17,842. I suppose a farmer's son?—Yes.

17,843. And you have served principally, you have told us, in this county of Kerry?—Yes.

17,844. Altogether?—Altogether.

17,845. Was there any Ribbonism in Kerry?—I could not say.

17,846. You have heard of Ribbonism, I suppose?—I did, often.

17,847. Was it strong in Kerry?—There was moonlighting, that is all the Ribbonism I know—moonlighting was the only Ribbonism I knew of in Kerry.

17,848. You connected that with Ribbonism?—I never did; I did not understand the difference between Ribbonism and moonlighting, it was all the same.

17,849. You knew of Ribbonism in other parts of the country probably?—No.

17,850. Did you happen to come across any case in your experience where you found, or believed that you had found that the parties had put up threatening notices themselves?—No.

17,851. Nor suspected it?—No, I did not.

17,852. Never?—Never.

17,853. Or that there was injury to property for which they claimed, which had been done intentionally?—No.

17,854. You never came across any such case?—No, never.

17,855. Did you come across any case reported as an outrage which it was afterwards believed was not an outrage?—Yes.

17,856. Did that include cases of threatening notices?—They very often got threatening notices posted up.

17,857. Did those cases which you had reported as outrages, but which you afterwards satisfied yourself were not, include cases of threatening notices?—They did.

17,858. Did they include cases of malicious injury or alleged malicious injury?—I could not say, I do not remember.

17,859. Will you say they did not?—I will not.

17,860. Were there many cases as regards threatening notices?—I really could not say.

17,861. Was there much distress in Kerry in 1879 and 1880?—Not very much.

17,862. Will you call it a prosperous part of the country?—It is not very prosperous, indeed.

17,863. Are the people poor?—They are generally poor.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

17,864. They live on potatoes and are glad to get them?—Yes.

17,865. Flesh meat on Christmas Day, I suppose?—Oh, yes, and a great many other days.

17,866. What other days?—You would see meat hanging up in kitchens. I suppose they use it other days as well as Christmas Day.

17,867. Playing the part of potatoes and point; you have heard of that, I suppose?—Yes.

17,868. I would like to ask you this: did you, as a policeman, at all move about amongst the farmers and talk to them?—Always, sir.

17,869. And talked to them?—Yes.

17,870. I would ask you this, whether, through the whole of the years 1879, 1880, 1881, and 1882, what the tenants were asking for was abatements in the rent?—Yes, it was generally the cry out.

17,871. Was there any combination that you came across at all against payment of all rent, or was it merely abatements they were asking for?—Well, abatements they were generally asking for.

17,872. Sometimes they got them?—I could not say.

17,873. Sometimes they did not?—I could not say.

17,874. Tell me again, please. When did you say the first Land League was established in Castleisland?—I think in the year 1880.

17,875. When?—The latter end of 1880.

17,876. What time would you say would be a right date to put, November or December?—December, I think.

17,877. December, you think, 1880?—Yes.

17,878. Having told me that, just let me ask you, do you say that there were no agrarian crimes in Castleisland before December 1880?—Not agrarian. In 1880, there were.

17,879. I say before December 1880?—There were, I believe.

17,880. The trouble was beginning then?—Yes, from the latter end of 1879.

17,881. You knew that there had been a very bad season in 1879?—I did.

17,882. I do not know whether you took sufficient interest in the affairs of the people or not to know that the potato crop was not half the value of the previous year?—I do not really remember that.

17,883. Or rather—I believe I am wrong in that—about half the value of the two years previously, and about two-thirds the value of the previous year?—I could not say.

17,884. At all events, you know it was a bad crop?—It was a bad crop.

17,885. And it was upon that that the people mainly depended for their subsistence?—Yes; crops and stock, and one thing and another.

17,886. They pay their rent out of their little bits of crops and stock?—Yes.

17,887. Other than potatoes?—Yes.

17,888. Potatoes to a large extent failed at that time?—I could not really say whether it was that year they failed, or not. I do not remember.

17,889. Was there a distress fund, to which the police themselves subscribed, in your district? Just think; did not you yourself subscribe?—I do not remember.

17,890. Just think. Was there not a collection got up in aid of the local distress fund to which the police themselves subscribed?—There was something about it, but I do not remember that I subscribed or not, or that the others subscribed.

17,891. Was there a local committee for the relief of distress in Castleisland?—There was; there was meal given out—meal and potatoes.

17,892. And tickets, I suppose, for the shopkeepers?—No, it was given out—I do not know where it came from—it was given out in the court-house at Castleisland.

17,893. Who were the heads of the committee—who were the people who took an interest in the distribution of the relief?—Mr. Roche, the magistrate, was one of the gentlemen who was giving it out and giving the tickets.

17,894. Is he a local gentleman?—He is.

17,895. Who else—was the parish priest one of them?—I think so.

17,896. Was the curate?—I think so.

17,897. You think they were?—I think so.

17,898. Who were the parish priest and curate in 1879 and 1880?—The Rev. Arch-deacon O'Connell and Father Arthur Murphy.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

17,899. O'Connor or O'Connell?—O'Connell.

17,900. I suppose they would know better than you would about the condition of the people about?—I think so.

17,901. This Land League which was established in December 1880, had it ever a large number of members?—Well, I could not say the number of members, but there was a good attendance at the meetings.

17,902. And did all the people of the neighbourhood—practically all of them—join the League?—I could not say that, but they generally all attended the meetings.

17,903. That is what I mean, of course—they generally attended the meetings—the respectable shopkeepers?—Yes.

17,904. And the farmers round about the place?—Yes.

17,905. Big and small?—Big and small, with very few exceptions.

17,906. I suppose there were not many landlords joined it?—I could not say that.

17,907. Or land agents?—I could not say it.

17,908. But except the land agents and the landlords, did not practically the whole of the people join it?—Generally the whole of the neighbourhood, the surrounding district, attended the meetings.

17,909. That is what you call joining the League?—Yes.

17,910. And they were all intimidated into joining it, were they?—I could not say they were all intimidated.

17,911. When was the first meeting held which you say attracted your attention in Castleisland?—In 1880, I think.

17,912. Would you give me the date of that?—I think it was on October 10th.

17,913. You said so before. Probably you are correct. Will you kindly tell us who spoke at that meeting?—Mr. Biggar, I think, spoke at that meeting.

17,914. Mr. Biggar—who else?—Mr. Harrington.

17,915. Which of the Mr. Harringtons—Mr. T. Harrington or Mr. E. Harrington?—Mr. T. Harrington.

17,916. Who else?—I cannot really remember all who spoke.

17,917. Did Mr. Arthur O'Connor attend it?—I think so.

(The President.) What is the date of the meeting?

(Sir C. Russell.) October 1880.

(The President.) The day?

(Sir Henry James.) The 10th, I think.

17,918. (Sir C. Russell.) That was the first appearance, was it, of a meeting in relation to the Land League?—I think so, Sir.

17,919. And you say that the Land League was formed after that meeting, as well as you think, about December?—Something about that.

17,920. You have mentioned one fact and one fact only which I want to ask you some questions about. You have spoken of four men being tried for an offence of attacking some farm that gave protection—or some protection hut, I think you said?—Yes.

17,921. I think you called it a protection post?—Yes.

17,922. Including Crowley, Fitzgerald, and Dooley, was it?—Daley.

17,923. And O'Connor?—Yes.

17,924. Or P. O'Connor?—O'Connor.

17,925. I wish to ask you about this. You have suggested that the man Crowley was, to use your own expression, the reputed secretary of the local Land League at Scartaglin?—Yes.

17,926. Did you ever see him act as secretary?—No, I have never entered the room.

17,927. Would you like to swear he was secretary?—I would not.

17,928. Do you know a man called M. J. O'Leary?—Yes.

17,929. Was not he the secretary?—I could not say which of them was. He was the reputed secretary; he went by the name of "the secretary" through the district.

17,930. Deputed or reputed?—Reputed.

17,931. That is the man Crowley?—Yes.

17,932. I am putting to you, was not O'Leary the secretary?—I could not say, but he went by the name of secretary.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

17,933. Can you say, of your own knowledge, whether either Fitzgerald or Dooley or P. Connor were members of the Land League?—I could not say, but they attended at the Land League room meetings on Sundays.

17,934. Do you mean to say you have seen them yourselves?—Yes.

17,935. Frequently?—Yes.

17,936. Frequently?—Yes.

17,937. Could you charge your memory to tell me any precise time when you will swear you saw them attend?—Not a date, but except on Sundays after Mass.

17,938. Is your statement that you believe they attended regularly?—I could not say they attended regularly, but I have seen them occasionally.

17,939. Did ever people who were not members of the League attend these meetings?—I could not say whether they are members or not.

17,940. I will just draw your attention, please, to a few things and see if you can tell me whether you know anything about them. I do not whether you do or not. Going through the offences you speak of, of your own knowledge, would it be about correct to say that 90 per cent. of them, or nearly 90 per cent. of them were threatening notices or letters. I do not ask you to commit yourself to that precise per-centage. But the largest proportion of them by far were threatening notices or letters?—Generally threatening notices.

17,941. Generally threatening notices or letters. Was there the next largest proportion of them alleged malicious injury to property?—Yes.

17,942. Is Ballykeige in your district?—No.

17,943. As I have got my eye on several references to it again under the date of January 1881, I will just refer to it—"Threatening notice—threatening Keneolley and John Griffin, farmers. Not considered an outrage." "29th January. Stone throwing at Maigulliarddy. Trifling character." Well that does not matter. Is Ballymackean in your district?—No, sir, it is not.

17,944. "Two men attacking the houses of John and Pat M'Craith, farmers. One of them disguised. Entering and taking a gun from each of the houses. This case not to be recorded in printed monthly returns." Do you know why that was not to be recorded?—I do not know. It was not in my district.

17,945. I suppose when it was not to be recorded it was either found to be of a trifling character or found to be a got-up thing?—Yes.

17,946. "6th November 1881, agrarian intimidation at the houses of five farmers. a weaver, and a labourer, by an armed party, who swore them that they would not pay any rent until Parnell, &c. were released. Reported to the constabulary. Cancelled." Here is one—I should be glad if you could tell me something about Knockmagurn?—Knocknagarragh.

17,947. Is that in your district?—There is a district called Knocknagarragh.

17,948. I want to see if you can explain this. "Malicious drowning a calf, value of 4l., the property of" somebody "Martin, farmer. Reported to the constabulary?"—That is not my district.

17,949. Then you cannot explain this to me. "Awarded 6l. at Tralee. The case not to be recorded per minute," and so on—was that found to be a got-up case?—I do not know.

17,950. Is Flembeigh in your district?—No.

17,951. It is between Castleisland and Tralee, I am told?—It is not in the Castleisland district.

17,952. Is Kilfaijh?—Kilflayner?

17,953. Kilfaigh?—No.

17,954. "Agrarian intimidation and administering unlawful oaths at the houses of Lynch, Francis Cashel, Mary Cashel, James Lynch, and a whole string. Cancelled by minute on such a date." Then there is another note "cancelled." Except those you have referred to which took place in October 1880, is there any other meeting you have to call attention to in Castleisland—any before that?—Not before 1880.

17,955. Is there any up to 1882 which you wish to call attention to?—No.

Cross-examined by Mr. R. T. REID.

17,956. As I understand, this book relates to 1879?

(Sir H. James.) Oh, before that.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

17,956A. (*Mr. R. T. Reid.*) There are outrages referred to there, some in the Castleisland district?—Yes.

17,957. I suppose that they would be in the Castleisland district as then constituted?—Yes.

17,958. Then the book of 1881, and subsequently also, speaks about the Castleisland district?—Castleisland became a district.

17,959. Just answer my question. The book of 1881 referring to Castleisland would refer to the district as it was then constituted?—Yes.

17,960. Now is not this the case—I am referring to page 1066—that before December 1880, the district was 10 miles long and four or five broad, and after December 1880 it was 11 miles broad and about 26 miles long, is not that true?—I do not remember it ever was enlarged.

17,961. Do you know anything about it?—I do. I knew it since before 1880.

17,962. I am referring to the evidence by Mr. Huggins, at page 1066, in which he gives those statistics, that the previous district—his district, when he went there, about a fortnight before it was changed, in December 1880—was 10 miles long and four or five broad, and that after that, when it became a district—that is to say, a district inspector's station, it was 11 miles broad and about 26 long. Is not that true?—I could not say that.

17,963. This is the last matter I shall ask you about. Can you furnish to us by to-morrow morning, for example, a description of the two districts, the district as it was before December 1880, and the district as it was after December 1880?—I could not, any more than I could do it now.

Cross-examined by Mr. Lockwood.

17,964. You have spoken of the meeting at Castleisland on the 10th of October 1880. Were you present at that meeting?—I took no particular interest in it.

17,965. What?—I was on the streets, up and down.

17,966. Did you hear Mr. Arthur O'Connor's speech?—I could not say if I did.

17,967. If you do not recollect the speech,—I will call your Lordship's attention to the speech, it will have to be read at some time.

(*The Attorney-General.*) Give us the date.

(*Mr. Lockwood.*) It is in those you have given us in the month of October 1880, but in the speeches you furnished us in the larger book, the speech, of which this is an extract, is not included.

(*Sir Henry James.*) If my friend will look at it he will see it is —

(*Mr. Lockwood.*) No; it is the speech of the 10th of October 1880.

(*The Attorney-General.*) I think the principal reason is that he is not a shorthand writer.

(*Mr. Lockwood.*) Yes it is, it is a professional reporter, that is the marginal note. I will not stop to waste time about that now. The speech will have to be read by and by.

(*The Attorney-General.*) Where was it?

(*Mr. Lockwood.*) At Castleisland.

17,967A. I do not know whether your recollection is sufficient to enable you to answer this question. Did Mr. Arthur O'Connor denounce crime at that meeting?—I could not say.

17,968. Were you then in Castleisland in September 1880?—I was.

17,969. Do you remember an outrage that took place about the 10th of September 1880?—I do not remember.

17,970. I will recall it to your recollection. Do you remember a widow woman, I believe she was, named Leary, who had been evicted?—It might be Linahan.

17,971. Was there a widow named Linahan who was evicted the 10th of September 1880. Glentane is the name of the place she was evicted from?—I do not remember.

17,972. Do not you remember her being evicted and reinstated by an armed force?—If I knew the name of the woman and the proper place I could tell you.

17,973. The name suggested to you as the name of the woman is Leary, and at a place called Glentane, which is near Castleisland?—I know Glentane well; it is about eight miles from Castleisland.

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

17,974. And she was put back into possession by a party of armed men and sworn not to leave it; that is the 10th of September 1880?—I know the place well.

17,975. Do you remember that incident?—I do not remember it.

17,976. The meeting of the 10th of October 1880, I think you have already told us, was the first meeting which was held in that district?—I think so.

17,977. How long after that was the establishment of the branch?—I could not say.

17,978. Some months, was not it?—I could not say.

Re-examined by Sir HENRY JAMES.

(*Sir H. James.*) There is a question, my Lord, put by my learned friend Sir Charles Russell, as to whether Crowley was or was not secretary of the Scartaglin branch of the Land League. It is the 17th November 1885, my Lord.

(*The President.*) What are you quoting from?

(*Sir H. James.*) The "Kerry Sentinel." The report is as follows:—

"Scartaglin Branch.

"At a meeting of this branch, held on Sunday, delegates were appointed to attend the county convention. The following were unanimously elected, James Reordin, president, Michael O'Leary, treasurer, Cornelius C. Crowley and Michael J. Leary, secretaries. The committee decided to send a subscription to defray the expenses of the convention. A man named Donaghue applied for admission, but was charged for being a grass-grabber and being a land-grabber, was admitted a member by pledging himself to have no more communication with Culloty the land-grabber or grass-grabber, or do anything against the National League. Patrick Brennan brought a charge of grass-grabbing against his brother John, but it was decided to be referred to the parish priest, Archdeacon Irwen. The proceedings terminated with a vote of thanks to the chairman."

Mr. Asquith asked me whether it is in the singular or plural—it is in the plural—secretaries.

Now, my Lords, as to this book, we had only time to extract 1879. We have the record of crime in Castleisland for 1878 and 1880 up to December 4th. With your Lordship's permission, without taking every incident from the witness, the book shall remain here for my friend to check that statement.

(*The President.*) You will call our attention to it at a later stage when you have done.

(*Sir Henry James.*) As regards 1878 and 1880, the entries are so few; we will copy the entries, and give them to my friend.

17,979. I want this from you—this book is the Tralee book?—Yes.

17,980. Tralee district is, of course, much larger than Castleisland?—Yes, it is.

17,981. It includes the other district?—Yes.

17,982. This will show the crime in the whole of the Tralee district in Kerry?—It will.

17,983. Tell me what size is the Tralee district compared with your original sub-district; three or four times?—I could not really say, but much larger.

17,984. Just a question about the first false case; I understand you never reported a false case?—No.

17,985. You treated it as if it was not an outrage?—Yes.

17,986. Now, as to Ribbonism; before 1880 did you know of any Ribbonism in Kerry?—I did not.

17,987. Call these moonlighters what you will, by any name, did you know of their existence until the end of 1880?—No.

17,988. You have been asked about the meeting of the Land League of October 10th 1880, as being the first; how far is Beaufort from Castleisland?—Oh, it is a long distance.

17,989. A long distance is relative—am I right in saying it is 20 miles?—It is over 20 miles.

17,990. Is it in the county of Kerry?—Yes.

(*The Attorney General.*) I should like to give a reference to Mr. Boyton's speeches; they are not at present proved, but they were read by me and the transcript handed to my friend. They are at page 91 of the corrected page of the blue book. I will

27 Nov. 1888.]

INSPECTOR GILHOOLY.

[Continued.]

give your Lordships the date—27th February 1881, 4th March 1881, and the 22nd February 1881. That is the reference to the blue book.

(*The Attorney-General.*) You had better call a short witness.

(*Mr. Reid.*) While the witness is coming I will suggest to my friend this. It is very desirable they should furnish us with a list of the crimes in 1878, 1879, and the beginning of 1880. They would make it available for the purpose of comparison by restricting it or by placing it in some way so as to be comparable with that part which is covered by Castleisland after 1880.

(*Sir Henry James.*) We cannot do that.

(*The President.*) Do it as far as possible.

(*Mr. Reid.*) It makes all the difference, your Lordships see.

(*Mr. Justice A. L. Smith.*) Why cannot you take the whole county of Kerry for 1878, 1879, and 1880, and the whole county of Galway.

(*The Attorney-General.*) We were preparing a list.

(*Sir Henry James.*) To some extent the parliamentary return helps us there. We have got the whole of Kerry in the parliamentary return, but it was because we were confined to our particulars, that we could not avail ourselves of the parliamentary returns.

(*Mr. Reid.*) It is there we find the difficulty. I quite agree, if I may say so, with what Mr. Justice Smith has said—if you take the whole county the thing is perfectly clear, but when you take this particular district, especially if it is a critical period, it is impossible so to deal with it.

(*The Attorney-General.*) In our view it is also necessary to give detailed evidence with regard to certain districts, because when you come to see ultimately what we have to prove with regard to Kerry, your Lordships will see with reference to a district in taking a large county such as Kerry, there are some parts with no crime and some with a great deal.

(*The President.*) It is from that fact that Mr. Reid's observation derives its force.

(*The Attorney-General.*) May I be allowed to say this. Up to, I am told, the 10th November 1880, the Castleisland district was not changed, therefore it will to a great extent enable my friend to make a comparison.

(*Mr. Justice A. L. Smith.*) It was not changed. It was changed in December.

(*The President.*) We will adjourn now, as it is so close to 4 o'clock.

Adjourned to to-morrow at 10.30.

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT No. 1,
Wednesday, 28th November 1888.

(*Sir Henry James.*) My Lords, I mentioned yesterday that that book which was put in—the book up to the year December 1885—was a Tralee book. Of course we were dealing with Castleisland, and I mentioned to my friend and said that we would extract all the Castleisland crime for the years 1879 and 1880. This has been done, and I think, perhaps, subject to the correction, you will allow it to go upon the notes. My friend shall see it.

(*Mr. Reid.*) We will examine it. I have no doubt it is correct.

(*The following document was put in.*)

COUNTY OF KERRY, DISTRICT OF CASTLEISLAND.

RETURN OF OUTRAGES in above DISTRICT from 1st January 1878 to the 30th November 1880.

—	Date.	Place.	Nature of Outrage.	Injured Person.	Remarks.
1	1878. 9 April -	Clydane -	Assault on M., and attempt to rape Mary Deuchey, &c.	Michael Deuchey, Mary Deuchey.	Dhoughlin found guilty. Six weeks' imprisonment.
2	10 „ -	Knockadown -	Malicious injury and larceny	Michael Fitzgerald.	
3	22 Oct. -	Sandville -	Stealing an ass -	Maurice Sullivan.	
4	7 Nov. -	Knockeen -	Malicious burning of hay -	Thomas Cromer.	
5	31 Dec. -	Cordal -	Killing a game dog -	Edward Boyle.	
6	1879. 25 Feb. -	Castleisland -	Endangering life -	Mary Barry -	Information refused; believed to be an accident.
7	11 June -	Cardal -	Malicious injury to dispensary.	Tralee Board of Guardians.	
8	17 „ -	Farranabrock -	Obstructing railway -	G. S. and W. Railway.	
9	29 „ -	Cardal -	Serious assault -	Patrick Neeberey, Edward Boyle, and John Cromer.	
10	25 July -	Do. -	Killing goats -	Edward Boyle.	
11	29 „ -	Meenhauwain -	Rape -	Honora Dood -	James Brown sentenced to 12 months' H.L.
12	1 Aug. -	Sandville -	Manslaughter -	Daniel Flynn -	D. Dunleavy, one year's imprisonment.
13	27 „ -	Cordal -	Malicious injury to hay and donkey cart.	John Rourke -	J. Twiss, one month.
14	2 Sept. -	Cavan -	Cutting the person -	Dennis McAuliffe -	Believed accidental.
15	13 „ -	Drematten -	Malicious injury to dwelling-house and gates.	Thomas Browne.	
16	4 Oct. -	Castleisland -	Malicious injury -	David J. Reidy, F. Cromin, John Calvin.	Jas. Brosnan, one month's imprisonment.
17	28 Nov. -	Do. -	Stabbing the person	John Lynch -	D. Monychan, convicted.
18	1880. 5 Jan. -	Carker -	Serious assault -	John Sullivan -	

28 Nov. 1888.]

RETURN OF OUTRAGES.

[Continued.]

—	Date.	Place.	Nature of Outrage.	Injured Person.	Remarks.
19	1880. 16 Jan. -	Castleisland -	Robbery of money -	Richard Kearney -	In Marony, one month.
20	22 Feb. -	Meenhanivan -	Intimidating gamekeeper -	Michael McAuliffe.	
21	2 Mar. -	Meenleirim -	Incendiary fire -	Patrick Cartoon.	
22	6 May -	Clydane -	Attack on dwelling and larceny.	Michael Dennehy.	
23	8 Aug. -	Cordal -	Threatening notice -	Geo. Raymund and others -	Threatening persons not to give evidence on behalf of Mr. Raymund at P. S.
24	12 Sept. -	Kilcow -	Malicious burning (hay) -	Thos. Hurley.	
25	18 „ -	Kilfalniga -	Threatening notice -	Lawrence Griffin.	
26	22 „ -	Addaraval -	Retaking forcible possession and administering illegal oaths.	Edward Brown and H. Horan.	
27	18 „ -	Farranbrack -	Obstructing railway line -	G. S. and W. Railway Company.	
28	4 Oct. -	Mullen -	Firing into dwelling and retaking forcible possession and administering illegal oaths.	Edward Brown and H. Horan.	
29	17 „ -	Cordal -	Malicious burning (turf) -	Jno. Brosvan.	
30	17 „ -	Cordal, &c. -	Threatening notice -	Drummond tenantry.	
31	24 „ -	Dooling -	Malicious burning (turf) -	Patrick Murphy.	
32	25 „ -	Dronulton -	Malicious burning (turf) and threatening notice.	Daniel Monighan.	
33	30 „ -	Cordal -	Threatening notice -	Drummond tenantry.	
34	1 Nov. -	Farran, &c. -	Threatening notice -	Hentrey Andrews.	
35	7 „ -	Castleisland -	Threatening notice -	Sundry tenants.	
36	6 „ -	Clydane -	Intimidation -	Michael Denehey.	
37	9 „ -	Do. -	Threatening letters -	Michael Denehey.	
38	9 „ -	Knockacbur -	Threatening notices -	Timothy Coomhan.	
39	8 „ -	Dronulton -	Retaking forcible possession -	- - -	
40	15 „ -	Doolaig -	Cutting the person, &c. -	Patk. Murphy and J. Connor.	
41	16 „ -	Glenhalern -	Robbery of arms, &c. -	Thos. Reidy and six others.	
42	20 „ -	Doolaig -	Threatening notice, &c. -	Jeremiah Connor.	
43	22 „ -	Ballymacadam -	Robbery of arms -	Patk. Kenny, D. Dooling, and Wm. Thompson.	
44	26 „ -	Kilfalniga -	Threatening notice -	Jno. Griffin.	
45	26 „ -	Cordal -	Malicious burning -	Edwd. Boyle.	
46	25 „ -	Kilfalniga -	Stone throwing at railway train.	G. S. and W. Railway Company.	
47	30 „ -	Do. -	House attack and administering illegal oath.	Lawrence Griffin.	

PATRICK FORAN sworn and examined by MR. ATKINSON.

17,991. What is your father's name?—John.

17,992. Did he live at a place called Coolaelarig, near Listowel, in the county of Kerry?—He lived at a place called Tullamore.

(Sir C. Russell.) My Lords, I do not know whether my friend would like to inquire into the facts, but I am told that this witness is called with the view of giving evidence

28 Nov. 1888.]

PATRICK FORAN.

[Continued.]

of a charge of a serious character which has recently occurred, which is now under judicial investigation, and for which certain persons await their trial. That does not come and cannot come, I submit, under any issue here.

(*Sir H. James*.) My friend need not continue his argument. If this case is waiting for trial the witness of course ought not to be examined.

(*Sir C. Russell*.) This is quite a recent case.

(*Mr. Atkinson*.) The man took an evicted farm some years ago and the man was boycotted, and sometime afterwards the man was murdered, and a man awaits his trial for murder in that case. It is a recent case in that sense; in the other sense it is not.

(*The President*.) Perhaps.

(*Sir H. James*.) Will your Lordships forgive me? We will avoid all discussion. I think my friend's objection is a very good reason for not examining the witness. If the case is now culminating in a trial I think the objection is a good one and we will withdraw the witness.

THOMAS GALVIN sworn, examined by Mr. MURPHY.

17,993. In 1880, were you a tenant of Lord Headley in Kerry?—Yes.

17,994. What part of the county, where did you live?—Near Castleisland.

17,995. On one night in November 1880, was your house attacked?—Yes.

17,996. By a number of men or by how many about?—About five.

17,997. Was it about 8 or 9 in the evening?—At night.

17,998. Later than that, later than 8 or 9, or about what hour?—Smoe time about the same time, not very exact.

17,999. Were you sitting with your family round the table at the time they came in?—Round the fire.

18,000. Were they disguised or not?—Yes.

18,001. When they came in, what did they ask you?—They asked me, “did I pay my rent?”

18,002. What did you say?—“I did.”

18,003. What did they say then, or what did any of them say?—They said nothing.

18,004. Just try and think, what did they say to you, anything or nothing?—Oh, yes, They asked me whether I would prefer they would cut off my ears or would shoot me.

18,005. What did you say?—Prefer to shoot me.

18,006. Did they then shoot you in the legs?—Yes.

18,007. Five shots I believe, and one of them took effect in the thigh?—Yes.

Cross-examined by Sir C. RUSSELL.

18,008. Do you think that was the reason you were visited?—I do not think it was.

18,009. You do not think it was the reason?—I believe it was not.

18,010. It was not because you paid your rent, but there was a family dispute, was not there?—Certainly.

18,011. I do not know who was in the right or who was in the wrong. I should like you to tell us what the facts were. You had a brother who died?—Yes.

18,012. Did he leave a widow, or only children?—Yes, children.

18,013. Did he leave a wife or not?—He left children; three of them. I was in charge of three of them.

18,014. Their mother and father were both dead?—Yes.

18,015. Did you take the farm which your brother had?—Yes. I took the charge of a farm for the agentship of the children.

18,016. That is the point I am coming to. You say it was for the agentship of the children?—Yes.

18,017. Did your neighbours, rightly or wrongly, suspect you of trying to grab it?—I do not know that. I will not say that, but I know very well there might be another thing in question besides that, too. Some of my neighbours and myself did not very well understand one another.

28 Nov. 1888.]

THOMAS GALVIN.

[Continued.]

18,018. I do not know as to the neighbours, but we know as to the relations and friends of the mother of these children; did they take that view of your conduct?—I believe so.

18,019. And you know there was a good deal of ill will and ill feeling about it?—Yes.

18,020. Amongst them?—Yes, I know there was.

18,021. When you were visited on this night, were the men disguised or not?—I think they were with handkerchiefs; some handkerchiefs thrown over their faces.

18,022. How over their faces?—Handkerchiefs thrown over their face.

18,023. How over their faces, over their mouths or eyes?—From their nose down.

18,024. So that you could not identify them?—No.

18,025. Were they young men or old, or boys?—Well, I could not exactly tell you that.

18,026. I hope no serious mischief was done to you. You are all right now?—No; I am all right, as well as ever.

(*Mr. R. T. Reid.*) I have no questions.

(*The Witness.*) May I go away?

(*Sir C. Russell.*) As far as I am concerned.

Re-examined by Sir H. JAMES.

(*Sir H. James.*) My Lord, I was anxious to ask this witness as to a statement that he made to one of the Irish Constabulary, Huggins; I do not know whether you think I am entitled to ask him as to statements he made as to the reason of this.

(*The President.*) If it is of so serious a matter as to cross-examine him I think you should first put it to him in the usual way; did he make such and such a statement, and then, if necessary, you could call the constable to whom he made it.

(*Sir C. Russell.*) My Lord, has he in any sense proved himself a hostile witness?

(*The President.*) No; that is the reason why I say, if he had laid the foundation; that is the usual way.

(*Sir H. James.*) Do I understand your Lordship to say I may put the question or not?

(*The President.*) Yes, you may ask him.

(*The Witness.*) You can, sir, ask me.

18,027. (*Sir H. James.*) Did you speak to Head Constable Huggins on the 10th of February 1886?—I do not understand.

18,028. You gave me leave to ask you this question?—Make it plain to me and I will answer you.

18,029. Did you have a conversation with Head Constable Huggins on the 10th of February 1886?—I do not remember that. Very many conversations took place between Head Constable Huggins and I which I cannot remember now. That was 1886 and this is 1888.

18,030. Did you say anything to him about joining the National League?—Never.

18,031. Did he tell you you were likely to be attacked?—At that time he told me I was going to be shot, and to take police protection, and I said I would not.

(*Sir C. Russell.*) Huggins told you?

(*Sir H. James.*) Yes.

(*Sir C. Russell.*) How does this in any sense arise out of any question I asked in cross-examination?

(*The President.*) I quite agree, it does not.

(*Sir H. James.*) I gather the view was that in attributing the attack to a private quarrel, it was a question whether he had made a statement that would show that that was not the fact.

(*The President.*) That was not put in examination-in-chief?

(*Sir H. James.*) No, my Lord.

(*The President.*) But if he was making the statement in his examination-in-chief and it was contrary to something he had stated to somebody else, that would lay the foundation for saying he was a hostile witness that was allowed to pass. Now, in re-examination, you take up that thread again.

28 Nov. 1888.]

THOMAS GALVIN.

[Continued.]

(*Sir H. James.*) May I ask, with deference, if the witness in cross-examination says something inconsistent with what he has previously stated, may not the question then be put to him. I have to show that he has proved himself hostile. If you think he has not sufficiently shown that —

(*The President.*) I did not understand it was as to something he said in cross-examination.

(*Sir H. James.*) When he was putting this on the ground that it was private quarrel, my object was to show it was attributable more to the Land League, and that he had said so.

(*Sir C. Russell.*) This witness would not be allowed to say, I think the reason was so-and-so, nor was he asked in examination-in-chief; he was asked by this maulauding party, whether he paid his rent, the suggestion of course being, that as he did, that was the motive of the attack upon him. I asked in cross-examination whether there did not exist certain other circumstances, and he said there was another reason.

(*The President.*) Then the theory of Sir Henry James' examination is this, that he made a statement contrary to that.

(*Sir C. Russell.*) Then the question is, did he ever make a statement that he had not taken his brother's farm, or that he had not been supposed by the relations rightly or wrongly, to have been grabbing it.

(*The President.*) I did not know that that is the drift of it.

(*Sir H. James.*) Then, my Lord, I will not follow that conversation.

18,032. Just a question, did you make a claim for compensation on account of this? —Yes.

18,033. Did you make a statement when you claimed compensation?—Yes.

18,034. A statement?—Yes, I did.

18,035. How much did you obtain?—I do not understand.

18,036. How much money did you obtain?—Obtain.

(*Sir C. Russell.*) Ask him how much did he get.

18,037. (*Sir H. James.*) I will say how much did you get, then?—Yes, that is the way to make it clear. 300*l.* I do not wish to answer anything I do not understand, 300*l.* or near it, was awarded 300*l.* but I did not get the whole money.

18,038. Did you then say—

(*Mr. Lockwood.*) We have taken this objection before, and your Lordship has already held, I think, if my recollection is right, that inasmuch as these informations were laid at the time and were in writing that they were best shown by the reports themselves.

(*Sir C. Russell.*) I am inclined to think that my friend is in error. This is a different case. I think that only applies to malicious injuries to property.

(*Mr. Lockwood.*) You may be right, so I will not press my objection.

(*Sir C. Russell.*) I would like to ask a question if your Lordship pleases.

(*The President.*) Yes.

Further cross-examined by Sir C. RUSSELL.

18,039. Is the Head Constable Huggins the gentleman sitting at the end of the Bench, close to the Queen's Counsel. Is that Huggins?—Yes.

18,040. You have had a great many conversations with him?—Yes.

18,041. About your evidence here?—No.

18,042. What about?—Previous to the sittings of this Court altogether, five or six years ago.

18,043. Who subpoenaed you to come here?—I could not tell you.

18,044. (*Sir H. James.*) I do not know that this arises out of anything I asked?—I got a subpoena to come here. I might have it with me.

18,045. (*Sir C. Russell.*) You did not get the whole 300*l.*?—No, not quite; all but a few pounds.

18,046. What became of the rest?—I could not tell you.

18,047. Did any of it go to your rent?—There did, and there had to be.

28 Nov. 1888.]

EDWARD HORGAN.

[Continued.]

EDWARD HORGAN sworn, examined by Mr. RONAN.

- 18,048. Had you a brother named Michael?—Yes.
 18,049. Was he a land steward?—Yes.
 18,050. Did you know a tenant of his named McNamara?—Yes.
 18,051. Was McNamara evicted in 1880?—Yes.
 18,052. After McNamara was evicted, were you put in possession of McNamara's house and land?—Yes.
 18,053. Did you pay up the arrears of rent McNamara owed?—Yes.
 18,054. Do you remember the morning of the 28th of June 1880?—I do.
 18,055. Were you in bed?—Yes.
 18,056. Do you remember about 3 in the morning hearing some noise outside the house?—Yes.
 18,057. What was done then?—There was a party of men surrounding the house.
 18,058. Did they come in?—Yes.
 18,059. How did they get in?—They broke in the door.
 18,060. When they came in, was anything done in the house, was a shot fired?—No, not at that time. Before that, before they came in, they fired a shot.
 18,061. Did they do anything to you then?—Yes, they took me out.
 18,062. Where did they take you?—Out into the yard.
 18,063. What did they do to you there?—Well, they ill-used me.
 18,064. Did they beat you?—Yes.
 18,065. Was your head cut?—Yes.
 18,066. Were you put on your knees?—Yes.
 18,067. What did they do when they put you on your knees?—They swore me.
 18,068. Did they give you a book?—I could not exactly say, but something like a book.
 18,069. Did they make you kiss it?—Yes.
 18,070. What did they make you swear?—Not to interfere with the house or farm any more.
 18,071. Had you your clothes when you were taken out?—No.
 18,072. Were your clothes brought out to you?—Yes.
 18,073. Did you see your brother come out?—No, I did not see him come out.
 18,074. Did you see him outside?—I did.
 18,075. Where did you and your brother go then?—We went out in the public road; the public road is convenient to my house, and we were put out in the public road.
 18,076. What was that brother's name?—John.
 18,077. Did you both go to your other brother's house then?—Yes, we went to John's house.
 18,078. Did you stop there?—Yes.
 18,079. How long?—For a small bit.
 18,080. How long?—About a quarter of an hour.
 18,081. Where did you then go?—To my brother Michael's house.
 18,082. How far off is that?—A couple of small fields.
 18,083. How long did you stay there?—It was there I was living.
 18,084. Did you get police protection then?—Yes.
 18,085. Were you ever a member of the Land League or the National League?—Well, I knew nothing of it then.
 18,086. Your brothers are dead since?—Yes.

Cross-examined by Sir C. RUSSELL.

- 18,087. However, I think at one time you wanted to be a member of the Land League?—Yes, I did.
 18,088. But you were refused?—I was.
 18,089. Now, as a matter of fact, this occurred in June 1880, did not it?—Yes.
 18,090. Now, was there any branch of the Land League at all at Listowel at that time?—I did not hear anything about it.
 (Sir C. Russell.) I think, my Lord, we have had it before that there was no branch

28 Nov. 1888.]

EDWARD HORGAN.

[Continued.]

at Listowel at this time; in fact I think the earliest branch in Kerry was about December 1880. This was in June.

18,091. I just want to understand what this case is. Your brother, I think, had been in the police, had not he?—Yes.

18,092. And he bought this property that had some tenants on it, and amongst others this man McNamara?—Yes.

18,093. When was McNamara evicted by your brother?—Some few years after him buying the place.

18,094. When did he buy it?—I could not exactly tell you. I took no heed at all in the place. I had nothing to do with it.

18,095. I think if you will try to tell us about the time, that is all I want to know?—I could not exactly tell you. I am no scholar. I did not keep any account at all at the time he bought it.

18,096. We will get it in this way; this party visited you?—Yes.

18,097. When do you say they visited you?—Sometime about last June nine years. I did not keep the date of it.

18,098. Last June nine years?—Yes; eight or nine years.

18,099. Eight or nine years?—Yes; I am not sure which.

18,100. Assuming that was about June 1880, how long before that had McNamara been evicted?—Something about seven or eight days.

18,101. Seven or eight days before; that is what I wanted to get. Now I think the same party, or at all events a party, put McNamara in possession again?—Yes; I think he was put in possession.

18,102. And then you and your brother, or your brother and you, put him out again?—Yes, indeed.

18,103. By force?—Yes, by force.

18,104. There was a regular auction?—Yes.

18,105. Did that occur before they visited you?—Oh, no.

18,106. All that had occurred before they visited you, was this eviction of McNamara?—Yes.

18,107. How much rent did McNamara owe?—As far as I can recollect, according to my memory, I think he owed two years rent.

18,108. Was that after 1879, and 1880?—I declare I could not tell you.

(Mr. R. T. Reid.) I have no question to ask.

Re-examined by Sir H. JAMES.

18,109. In answer to my learned friend you said you were refused admission to the Land League. Was there any reason given for that refusal?—Well, I did not press hard to join it at all.

18,110. Never mind about pressing hard, but were you asked, or was ever anything said about your joining the Land League, was any reason given you why you were not allowed to join?—No, indeed.

18,111. And you never asked?—No.

(Sir H. James.) My Lords, will you allow me in relation, not to the last case but to the one before, to mention this. You will remember I asked a question as to whether the witness had applied for compensation and had received 300*l*. The question arose as to the information; I do not wish to do more than refer you to the 19th section of the Act of 1882, which I have communicated to my learned friend, Sir Charles Russell, under which Act the application was made.

(The President.) What is the chapter?

(Sir H. James.) 45th and 46th Victoria, chapter 25, the Prevention of Crimes Act, 1882. "Where it appears from information upon oath and in writing that anyone has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian or arising out of any unlawful association, and an application is made for compensation," then the machinery comes in.

(Sir C. Russell.) I do not know whether it is important to find out, but it appears to me doubtful whether it was under this Act; when did he make his application in fact?

(Mr. Atkinson.) After the passing of the Act, but it was a retrospective Act.

28 Nov. 1888.]

THOMAS STRETTON.

[Continued.]

THOMAS STRETTON sworn, examined by Mr. RONAN.

18,112. Were you a head constable, and did you visit the scene of this outrage on this man Horgan?—Yes.

18,113. Can you give us the date you were there?—On the 20th June 1880.

18,114. In what state did you find the house; did you find the furniture broken up?—Yes, and I saw a feather bed cut up, and the feathers all strewn about the fields.

18,115. Who did you find in possession?—Macnamara.

18,116. That was the former evicted tenant?—Yes.

18,117. Did you ask him what he was doing in the house?—No, but I heard the question asked of him.

18,118. What did he say?—He said he was put back the previous day.

(*Sir C. Russell.*) I object to this; how can what the tenant said to this constable be evidence?

(*The President.*) We cannot have this, and where is the necessity for it at all? I do not understand that any doubt was cast on the statement of the last witness.

(*Sir C. Russell.*) Not at all.

(*Mr. Ronan.*) Part of the outrage was putting back the evicted tenant, and it was the nature of his possession that I wanted to show—he was there in the house, and the statement was explaining the nature of his possession.

18,119. Did you see this notice (*produced*)?—Yes.

18,120. Did you see the endorsement on it?—I did.

18,121. Whose hand-writing is that endorsement in?—Michael Horgan's.

18,122. He was a police officer?—He was a sergeant of police.

18,123. And he is dead?—He is.

18,124. Is it the duty of the police when they take down one of these notices, to make a memorandum on the back of it.

(*Sir C. Russell.*) He had ceased to be a police constable I understand.

18,125. (*Mr. Ronan.*) No; at the time he made that memorandum he was a policeman, was he not?—No, he was retired on pension.

18,126. Do you know his writing?—Yes.

(*Mr. Ronan.*) I propose to read that notice.

(*The President.*) I understand the witness says that he had ceased to be a police officer, and he appears also to have been the man who bought the ground.

(*The Attorney-General.*) We do not intend to prove the endorsement, it was to identify the document, it was the notice that Mr. Ronan proposed to read.

(*Sir C. Russell.*) Very well, I do not object.

18,127. (*Mr. Ronan.*) “I hereby give notice to any person not to buy publicly or privately any farm in the lands of Moybella whilst the present tenant occupies it or for 10 years. I give you this caution for self sake, and if any person shall persevere I trust in God I will not change my mind nor fear as we are not getting a right land Bill. Oppressors I am sure are the first we'll kill. I tell Lopp to mind yourself.” You found that notice in the office at Listowel, did you not?—Yes.

(*Sir C. Russell.*) I do not ask you anything; we have not heard any evidence that the notice was ever put up at all.

(*The President.*) No.

(*Sir C. Russell.*) It is not worth while discussing it.

EDMUND BROWN sworn, examined by Mr. ATKINSON.

18,128. Where did you live in the year 1880?—I am a little deaf, sir.

18,129. Where did you live in the year 1880?—Mullient.

18,130. Is that near Killarney?—No, it is near Castleisland.

18,131. What is the name of your farm?—Mullient.

18,132. Did you know a woman of the name of Horan?—I did.

18,133. Had she a farm near yours?—She had.

18,134. Was she evicted in the month of June 1880, do you remember?—She was evicted, but not in June.

18,135. When was she evicted?—I believe the November or December before.

28 Nov. 1888.

EDMUND BROWN.

[Continued.]

- 18,136. For nonpayment of rent?—Yes.
- 18,137. Did you take the farm?—I did.
- 18,138. When did you take it?—Well, I have not the date of the year I took it.
- 18,139. But about the time of year, was it the middle of the year, or the summer, or when?—About the 24th June, sir.
- 18,140. Did you go to live on the place?—No, I was living handy.
- 18,141. In the month of October in the same year that you took it, were shots fired into your house?—There were.
- 18,142. Was it in the night time?—In the night time.
- 18,143. Were you struck yourself?—I was asleep, the shots woke me—one shot.
- 18,144. Were you struck?—No.
- 18,145. Did you find any bullet in the place?—No, I did not, it was grain.
- 18,146. It was shot?—It was grain shot.
- 18,147. Did you report that matter to the police?—I did on the following day.
- 18,148. Do you remember next morning after that shot was fired into your house did you find Mrs. Horan back in possession of this farm that you had got of hers?—I did.
- 18,149. Did you report that matter to the police, that she was back in possession of the farm?—They knew it themselves.
- 18,150. Did you have any conversation with her about her being there?—I forget the words between us now.
- 18,151. But you had some conversation?—I had some conversation, but it does not enter my memory.
- 18,152. Did you put her out of possession in a short time?—I did.
- 18,153. And did you still hold on to the farm?—I did.
- 18,154. Were you a member of the League at this time?—No.
- 18,155. There was a branch of the National League, we know, in Castleisland?—Yes.
- (*Sir C. Russell.*) Not at this time, Mr. Atkinson.
- (*Mr. Atkinson.*) I beg your pardon.
- 18,156. Did you go yourself before the League?
- (*Sir C. Russell.*) When?
- (*Mr. Atkinson.*) Shortly after you were put back?
- (*Witness.*) I did.
- 18,157–8. Can you tell us the date of your going before the League?—I could not, sir.
- 18,159. The next witness will fix the exact date; at all events, you went before them?—I did.
- 18,160. Had anybody come to you, or had you got any message before you went to the League?—One of the curates of Castleisland sent me word to come there.
- 18,161. What was his name?—Father Murphy.
- 18,162. Did he come himself, or did he send a message?—He sent a message to me, but I forget who he was now.
- 18,163. Did you get any message in addition to that from a man named Timothy Horan?—I got a letter from him.
- 18,164. Have you got the letter?—Here?
- 18,165. Yes?—No.
- 18,166. What did you do with it?—I could not tell you, I suppose I burnt it.
- 18,167. Who was Timothy Horan?—He was a member of the League, I suppose.
- 18,168. What was in the letter?—Whatever was in it, it was in it to have us to go there to the League.
- 18,169. Could not you tell us what was in it better than that?—I could not, sir.
- 18,170. Was there anything in it why you should go to the League, or what for?—I forget now.
- 18,171. At all events, did you go?—No, not then.
- 18,172. You did not go that time, after that did you get another message?—No, only the message from the priest to go there.
- 18,173. First you got a letter from Timothy Horne, and then you got a letter from the priest?—Yes.

28 Nov. 1888.]

EDMUND BROWN.

[Continued.]

18,174. After getting the message from the priest, did you go then?—I did the very day.

18,175. Where was the meeting held?—In Castleisland.

18,176. Was it in a house?—Yes in a house.

18,177. Who was in the house?—I do not know.

18,178. Who were there, do you remember?—Father Murphy was there, and Patrick Kenny; I forget the rest.

18,179. What was Patrick Kenny in the League?—He was a member of the League.

(*Sir C. Russell.*) I think there is no doubt that Kenny was president.

(*Mr Atkinson.*) He was president, but he was afterwards disqualified.

18,180. Was Timothy Horan there?—I would not know the man at all.

18,181. Did any person say anything to you when you went in?—Father Murphy asked me to give up the farm. I told him I had money paid for it.

18,182. Had you money paid for it?—I had.

18,183. How much had you paid for it?—15*l.*

18,184. When you said you had money paid for it what did Father Murphy say?—He said I would get the money from the neighbours.

18,185. That is the money you paid for the farm?—Yes.

18,186. Were you to give it up if you got the money?—I told him I would give it up if I got the money.

18,187. Did you give it up?—I did.

18,188. Did Father Murphy pay you the money?—No.

18,189. Did you process him for the money?—I did.

18,190. In the county court?—Yes.

18,191. For the 15*l.*?—Yes.

18,192. At the time you processed him was Mrs. Horan living in the farm?—She was.

18,193. You had put her in after going before the Land League?—I forget it now altogether.

18,194. Had you put her in, or had she gone in?—She got in herself.

18,195. And did you cease to interfere with the land in any way?—I surrendered the land, sir.

18,196. Had you a lease; was there a lease of the land?—I believe I had.

18,197. Did you give that document, do you remember, to the priest?—I did.

(*Sir C. Russell.*) Do not ask him those questions.

18,198. (*Mr. Atkinson.*) Did you give up the lease to anybody?—I did, sir, to the priest.

18,199. And who was present when you gave it up; was it at the League meeting you gave it up?—It was not, but in the very house.

18,200. In Mrs. Horan's house?—Yes.

18,201. And who was present at that time, do you remember?—I do not remember now.

18,202. The priest of course must have been there?—He was.

18,203. Anybody else?—There was more, but I do not remember.

18,204. Do you know whether any of the members of the League were there or not?—I could not tell.

18,205. Do you remember whether Mr. Kenny was there?—Yes, I believe he was.

18,206. You do not know Timothy Horan, you say?—I do not know Timothy Horan at all.

18,207. And when you gave up the lease did you then give up all interference with the place?—I did.

18,208. Did Father Murphy pay you the 15*l.* when you processed him?—No.

18,209. Did he come into court?—He did.

18,210. Did you get a decree against him?—No, it was dismissed. He said he only promised the money conditionally; if she got the land I would get the money.

18,211. Did he say where the money was to come from?—To collect it, sir; he said not from the Land League.

18,212. Are you sure that he said not from the Land League?—I am quite certain.

28 Nov. 1888.]

EDMUND BROWN.

[Continued.]

(*Sir C. Russell.*) My Lords, this is a man called Brown, whom my learned friend, the Attorney-General, at pages 11 and 12 of his opening, announced as having been shot.

(*The Attorney-General.*) I may have made many mistakes, but I should like my learned friend to refer to the passage in which I said that this gentleman was shot.

(*Sir C. Russell.*) I will, indeed. I will just refer to pages 11 and 12 of the second day. My learned friend is referring to a speech by this Rev. Father Murphy at the bottom of page 11, and the statement is: "I think that the cause has made great progress. One good thing, you have cooked the small land grabber; he is done brown."

(*Mr. Atkinson.*) That is another man.

(*The Attorney-General.*) Let Sir Charles Russell finish.

(*Sir C. Russell.*) I am sure you are mistaken. The note of the reporter is "Boos for Brown." Brown is a man who was murdered by two men named Poof and Barrett. Your Lordships see the joke. It is a very indifferent one, I admit—"the small land grabber he is done brown." That is this Brown.

(*The Attorney-General.*) My learned friend says so.

(*Sir C. Russell.*) I do say so.

(*The Attorney-General.*) Ysu are entirely misinstructed then.

(*Mr. Justice A. L. Smith.*) Poof was executed.

(*Sir C. Russell.*) Yes, my Lord.

Cross-examined by Sir C. RUSSELL.

18,213. Did you know the man Brown for whose murder Poof and Barrett were hanged. Do you recollect hearing of it?—I did, sir.

18,214. Where did he live?—Rawolton.

18,215. Had he anything to do with land-grabbing, or was he ever accused of it, that you ever heard of?—He only purchased land, sir.

18,216. Had he anything to do with, or was he ever accused of land-grabbing?—I believe not.

18,217. Do you know how many years after the meeting at which Father Murphy spoke it was that the other Brown was murdered?—I do not.

18,218. Was it 1882, 1883, or 1884, or what?—I could not tell you.

(*Sir C. Russell.*) My Lords, it was in September 1882, I am told, the other Brown was murdered. The speech from which I have read part of my learned friend's citation, was on the 11th September 1881. I did not refer to the other man, Brown, at all, I referred to this man. I am told the exact date of the murder was the 4th October 1882, I am not telling it from my own observation; the trial was said to be in December, and the execution in January of 1883, of Poof and Barrett.

(*The President.*) It comes to this: that from your point of view, at any rate, the Attorney-General made a mistake.

(*Sir C. Russell.*) Yes; my learned friend will quite see it was a mistake.

(*The Attorney-General.*) I made many mistakes, I am aware.

(*Sir C. Russell.*) It is not important as regards my learned friend's mistake; anybody and everybody have made mistakes, and I have no doubt we shall make a number of them before this case is over.

18,219. I want you to tell us a little about this; you had a farm of your own on which you had a house, where you lived?—Yes.

18,220. And how many acres had you?—About 200 acres, good and bad.

18,221. Probably the greater part of them bad, most of them bad, was it good land or bad land?—Some good and some not.

18,222. How far from your own farm was Mrs. Horan's farm?—Adjoining it.

18,223. And how many acres had she?—About 28.

18,224. Had she a family?—She had, and a long one.

18,225. Was she a widow?—No.

18,226. Was she not?—She was not.

18,227. Was her husband alive?—He was, but he was in America.

18,228. And when was she turned out?—I could not tell you the date of the year.

18,229. You must try and get it?—Eight or nine years ago.

28 Nov. 1888.]

EDMUND BROWN.

[Continued.]

18,230. You say that this shot was fired into your house. I have not the least doubt that that is true. In 1880?—In October sometime. I do not know when it was.

18,231. Is that right, am I to take this, that this attack was made on you in October 1879?—It was fired in October, but I do not know the date of the year.

18,232. How long after the eviction was it?—I suppose about a year.

18,233. It was about a year after the eviction?—I believe so.

18,234. Then may I take it as far as you can tell that the eviction was about November or December 1879, and these shots were fired at you about a year after?—About a year after.

18,235. How long had you been in possession?—I was in possession about six months.

18,236. And you say that you paid 15*l.*?—I did.

18,237. Who to?—Sir Maurice O'Connell.

18,238. To himself, or his agent?—He was the landlord.

18,239. You paid it to himself?—I did.

18,240. Was that the amount of the arrears that Mrs. Horan owed?—Her arrears were more, I believe.

18,241. You did not occupy her house?—No.

18,242. But merely tilled the land?—I had the land.

18,243. Was the house vacant, or was it pulled down?—It was vacant.

18,244. How long after these shots were fired was it that you got either a message or a letter to go to the Land League at Castleisland?—I could not tell you.

18,245. Was it a year after?—It was not, not a month after, it was not long at all after, but I could not tell you how long.

18,246. Just tell us about how along; was it two months?—About a month.

18,247. That would be towards the end of 1880; was it near Christmas time?—It was about Christmas time.

18,248. About Christmas time in 1880. You know, do you not, that the Land League was established in Castleisland for the first time about Christmas 1880?—It was this time established.

18,249. You had not heard of it before you got that message to go in about Christmas?—I heard it was there before I got the message.

18,250. But was that the first time you heard of it?—I heard the Land League was there before I got the message.

18,251. How long before?—I cannot bring it to memory.

18,252. Was it a few days or a few weeks?—It was more.

18,253. A few weeks before?—It was.

18,254. More than that or not?—I could not tell you exactly how long it was.

18,255. You went and you saw Father Murphy amongst others?—I did.

18,256. And he said if you gave up the land to the widow——?—He asked me to give it up, and I told him I would.

18,257. Just attend now; is this what he said to you, that if you gave up the land to the widow he would make a collection amongst the neighbours to pay you back your 15*l.*?—That is what he said.

18,258. And you promised to do it?—I did and I performed it.

18,259. You afterwards processed Father Murphy for that 15*l.*?—I did.

18,260. And was not the defence this: that instead of giving up the possession of the land to Mrs. Horan you surrendered it to the landlord?—That is the promise I made him, sir.

18,261. That is not what he said, or what you said, but rightly or wrongly was not that what Father Murphy's defence was, that instead of surrendering part of the land to the widow you went and surrendered it to Sir Maurice O'Connell?—I beg your pardon, I never promised to give it up only to the landlord.

18,262. I am asking you was not that Father Murphy's defence that you refused to give it up to the widow?—No.

18,263. And that you surrendered it to the landlord?—No, I beg pardon. He said he only promised the money conditionally that she got the land, if she got the land I would get the money.

18,264. He promised you that he would collect the 15*l.*, and give it to you?—He did.

28 Nov. 1888.]

EDMUND BROWN.

[Continued.]

18,265. If the widow got the land?—I do not remember those words at all; he promised me the money.

18,266. Did he call any witness besides himself?—There were plenty present.

18,267. Who was the barrister the case came before?—I could not tell you.

18,268. You gave your evidence?—I did.

18,269. And I assume some attorney cross-examined you?—I was examined.

18,270. I suppose Father Murphy gave his evidence?—He did.

18,271. And I suppose he called some witnesses, did he not?—I believe so.

18,272. And the judge decided against you?—He did.

18,273. Dismissed your pros or process?—He did.

Cross-examined by Mr. MICHAEL DAVITT.

18,274. You remember the great famine of 1847 and 1848?—Right well, sir.

18,275. There was a great deal of suffering in Kerry in those years?—Yes.

18,276. A great many people died of starvation altogether?—They did.

18,277. And following the famine there were a good many evictions in Kerry?—There were, and are still.

18,278. Do you recollect numerous evictions in 1848, 1849, and 1850?—I do.

18,279. The landlords encouraged the creation of large farms, did they not?—Some did.

18,280. Was it the rule in Kerry?—It was the rule by big landlords to make large farms.

18,281. And consequently they carried out a large number of evictions on small farms?—They did.

18,282. And those evictions created disturbances, did they not?—They did, sir.

Re-examined by the ATTORNEY-GENERAL.

18,283. Just listen to me; how long, about, before you got the notice did you hear of there being a League at Castleisland?—I could not tell you exactly. I believe it was a month or two, or it may be more.

18,284. You have been asked about what bargain you made. Did Mrs. Horan go into possession of the land?—She did. She got an outhouse from the landlord, and the farm.

18,285. So Mrs. Horan did get back into the land which you had occupied?—She did.

18,286. How long had she been out of possession before you took the farm?—From November or December to June.

18,287. And then you took it from the landlord, and gave him 15*l.*?—I did.

(*Sir C. Russell.*) When had she got possession, if you will ask for me?

(*The Attorney-General.*) When did Mrs. Horan get possession of the land?

(*Sir C. Russell.*) How long after the process?

(*The Attorney-General.*) But it was not after the process.

(*The President.*) He said before I processed Murphy for the money Mrs. Horan had gone in.

18,288. (*The Attorney-General.*) Did Mrs. Horan go into possession of the land before you processed Father Murphy?—No.

18,289. When did she go into possession?—I could not tell. I daresay Father Murphy would give me the money if she was in possession.

18,290. Who was in possession at the time you processed?—There was nobody in the house, sir, indeed. She was in the house, but she had not the land.

(*The President.*) I am bound to say we do not see any relevancy in what occurred afterwards, whether she got in or not after this process on Father Murphy.

Sergeant CHRISTOPHER O'BRIEN sworn, examined by Mr. ATKINSON.

18,291. Are you a sergeant in the Constabulary?—Yes.

28 Nov. 1888.]

CHRISTOPHER O'BRIEN.

[Continued.]

18,292. Were you protecting the last witness, Brown, from the month of October till December 1880?—Yes.

18,293. Were you living in his house?—Yes.

18,294. Do you remember one day while you were protecting him, four gentlemen coming to his house?—Yes, Mrs. Horan's house.

18,295. Who were they?—Father Murphy, Patrick Kenney, Timothy Horne, and Terence Rusna.

18,296. You went to his house in October 1880, and you protected him up to December of the same year?—Yes.

18,297. About what time was it in that interval that these men came?—About the 20th December.

18,298. Did you go with Browne to meet them?—Yes.

18,299. Were you present when Browne received any message from them before you went to meet them?—No.

18,300. When you went to meet them did you continue present at the interview that took place between them?—I did.

18,301. Do you remember what any of these gentlemen said as to their business with Browne?—They said they came there to make arrangements with Browne and Mrs. Horan about a farm.

18,302. Was any reference made to the Land League then?—There was not that I remember.

18,303. Was any arrangement come to?—The arrangement was that Browne was to get 15*l.* which he paid the landlord for the farm.

18,304. Was it said, in reference to what that was paid, what for?—For money he had paid for the land.

18,305. Was there any mention of arrears made?—No.

18,306. Did those gentlemen agree to that?—They did, and Browne gave up the lease he had of the farm.

18,307. Had Browne the lease with him?—He had.

18,308. Upon the promise being made what did Browne do with the lease?—There was some writing went on between them, and Browne gave up the lease. There was an arrangement made that Browne was to get 15*l.* on condition that he would give up the lease, and after some writing Browne gave the lease.

18,309. Was there a writing drawn up between them?—There was.

18,310. Who drew up the writing?—I believe it was Father Murphy.

18,311. Then you say Browne gave up the lease?—He did.

18,312. Did you continue protecting Browne after that?—Yes, until the 23rd of December.

(*The President.*) I must say we are all agreed this evidence is being pushed much further than necessary. I cannot see its relevancy at all. Of course, the fact that the man was shot at, and that as he alleges it was under these circumstances that he had taken this farm, is material, but all these details of what occurred afterwards I cannot see the materiality of.

(*Mr. Reid.*) That fact has been proved before.

Cross-examined by Sir C. RUSSELL.

18,313. You understood that these persons you have mentioned, Father Murphy, Kenny, Brosnan, and Horan, were coming there to try and settle a dispute between Mrs. Horan and Browne?—Yes.

Re-examined by the ATTORNEY-GENERAL.

18,314. Had there been any dispute between Mrs. Horan and Browne, as far as you know at all?—There was some dispute about the land.

18,315. Except that Brown had got into possession of the land, do you know of any dispute at all?—No.

28 Nov. 1888.]

PATRICK DONOHUE.

[Continued.]

PATRICK DONOHUE SWORN, examined by Mr. MURPHY.

18,316. In 1881 or shortly before, was there a man named Edward Barry, a tenant on Lord Kenmare's estate?—Yes.

18,317. Did he give up his farm and go to America?—Yes.

18,318. Did you buy his interest in the farm, and go into possession?—I did, with his free will.

18,319. On the night of the 18th December, I think it was, perhaps you can set me right if I am wrong, in 1881, do you remember your house being visited?—I do.

18,320. Can you tell me the date?—It was the 18th December, I think.

18,321. 1881 it is suggested to me; is that right?—That is right.

18,322. It was about 10 or 11 o'clock that the men came to your house?—It was.

18,323. You told me that you paid 90l., was any of that for arrears?—No.

(*Sir C. Russell.*) He did not say that?

18,324. (*Mr. Murphy.*) What was it for?—For giving to the tenant for his interest on going out of the country.

18,325. The men came at 10 or 11 o'clock at night; it was dark, I suppose?—It was.

18,326. Did they pull you out of bed and take you into the yard?—I was getting up. I was up and in the kitchen at the time they got in.

(*Sir C. Russell.*) Do not lead him.

18,327. (*Mr. Murphy.*) You were up in the kitchen. What led you to get up?—I heard them getting in, breaking the door.

18,328. In consequence of hearing them breaking into the door, you got up?—Yes.

18,329. What did they do with you when they came in?—They took me out in the yard and fired at me after carrying me out.

18,330. Were you beaten?—Yes.

18,331. With sticks?—Yes; I think it was sticks; I do not know whether it was with sticks.

18,332. It felt like sticks?—Something like that.

18,333. You said they fired at you; were you hit in the ankles?—Yes.

18,334. I do not know whether they said anything to you at the time they fired at you?—Never a word.

18,335. I think you reported the outrage to the Killarney police?—It was not I who reported it; I did not know anything about the police coming at all till they came.

18,336. Why did you not report it?—The police were in before 10 minutes, or a quarter of an hour, I think, after the outrage.

18,337. Then, I think, you got police protection for some three months afterwards?—I did.

Cross-examined by Sir C. RUSSELL.]

18,338. Where did you pay the 90l.?—I paid it to Barry.

18,339. Where did you pay him, is my question?—Inside Lord Kenmare's office.

18,340. To whom did you pay it?—To Barry.

18,341. What did Barry do with it?—I do not know.

18,342. Do you know what became of that 90l. You say you paid 90l., did not you?—I did, to Barry.

18,343. At the office?—Yes.

18,344. Who was present? Was Mr. Leonard there?—He was.

18,345. Did Barry take that money with him?—He did. He took it from me.

18,346. Aye, aye; but did he take it with him, or was it paid to the agent, or part of it paid?—I do not know what he done about it.

18,347. Had Barry been processed by the office?—I could not tell you that.

18,348-9. Had he been served with any ejectment?—I cannot say.

(*Sir C. Russell.*) As a matter of fact it is proved in the evidence of Leonard there was an ejectment against that man.

(*Mr. Justice A. L. Smith.*) What page?

28 Nov. 1888.]

PATRICK DONOHUE.

[Continued.]

(Mr. Asquith.) 974.*(Mr. Reid.)* It is also there proved exactly what has been proved to-day, that he was moonlighted.*(The Attorney-General.)* I think it is very material that there was an ejectment.

DENIS BLAKE, R.I.C., sworn, and examined by Mr. RONAN.

18,350. Were you protecting a man of the name of Browne near Lixnow in the year 1885?—I was.

18,351. Had he taken an evicted farm belonging to Mrs. Scanlon?—He had.

18,352. Was he boycotted at the time?—He was.

18,353. Was he able to get goods at any place where he was known?—He was not.

18,354. Do you remember on a Sunday in June 1885 going to the Lixnow branch of the Land League with Browne?—No, not in June 1885.

18,355. When was it you went?—March 1886.

18,356. Did you see Browne going into the League room?—I did.

18,357. Did he come out after a time?—He did, about an hour.

18,358. When he came out what did the people do?—They cheered him.

18,359. Do you know a man named Doolan?—I do.

18,360. What was he in the League?—He was the secretary.

18,361. When Browne came out did Doolan say anything to you?—As he was passing by he said in a jocose tone to the two police, the other constable and myself, that we need not remain with Browne any longer, that he was after becoming a Christian.

18,362. You and the other man had been protecting Browne?—We had.

18,363. And you then left him?—About three weeks after.

18,364. Did Browne subsequently give up the farm to Scanlon?—He did.

18,365. What was the date of this?—June 1883.

Cross-examined by Sir C. RUSSELL.

18,366. Is Browne here?—No.

(The Attorney-General.) My Lord, I think I may as well just now read, in connexion with this, as it covers this and other cases, an article or report in the "Kerry Sentinel" of the 10th November 1885, reporting a meeting of the Listowel branch of the Irish National League, that is to say, reported in the paper of 10th November 1885.*(The extract was put in and read, as follows.)*"The Irish National League, Listowel Branch,
Listowel, Sunday.

"To-day an unusually large and influential meeting of this branch was held.

"Mr. John Stack, chairman, presided.

"Amongst those present were Messrs. J. Fitzpatrick, M.A., St. Michael's College, Listowel; R. Stack, T.C., treasurer; M. J. Flavin, hon. sec.; W. Hennigan, P.S.G.; A. Fitzell, do.; M. Keane; J. Guerin (Ballygrinnan), J. O'Connor, D. Lyons, J. Tobin, J. G. Nolan, T.C., and R. Browne, do.

"Alleged land-grabbing.

"The minutes of the previous meeting having been read and signed,

"Mr. Fitzpatrick said the council had the case of Mr. Denis Lyons under consideration just before the meeting was commenced, and they were of opinion that Mr. Lyons had not been guilty of what was known as land-grabbing, but they thought that he had done an injustice to the struggling and overrented tenants of that neighbourhood in offering the Knight of Kerry a rent which was exorbitant, and which it would be impossible for any person to pay who was depending solely on the land, and that Mr. Lyons ought to surrender the farm. The council were further of opinion that men who offered fancy prices for land

28 Nov. 1888.]

DENIS BLAKE.

[Continued.]

were injuring the general welfare of the country, that tenants' interests ought to be disposed of openly, and that it would be well if the local branch of the National League were consulted beforehand in such matters. (Hear, hear.)

"Mr. Lyons signified his intention of giving up the land in question.

"Mr. Michael J. Flavin was selected unanimously secretary of the branch in room of Mr. Murphy, resigned, after which

"Mr. Fitzpatrick came forward amidst great cheering and said. Now, gentlemen, before we commence the business of the League, I wish to refer to a matter to which reference was made on this day four weeks, we then protested against the action of certain trades and shopkeepers in the town for supplying land grabbers. (Hear, hear). I have been speaking since to some of the shopkeepers, and they have very candidly acknowledged the reasonableness and necessity of our action, in fact they said we had not taken action in the matter soon enough. (Hear, hear.) There may be some exceptions, some who do not see matters in the same light that we do, but I think they are in a small minority. (Hear, hear). And I think it very easy to convert them to a sense of their duty, not by arguing or quarreling with them, but by leaving them to their lonely reflections. (Cheers and laughter.) We do not want to put a pressure on the shopkeepers, but if they deny themselves with the Husseys and the Sandes, they incur our displeasure, and I think it will be but a small compensation to them for provoking the anger of the people, to receive a fortnightly visit of condolence for a Browne, a Gallivan, or a Foran. (Cheers and laughter.)"

Those are three cases, two of which have already been referred to.

(*Sir C. Russell.*) They had given up at this time.

(*The Attorney-General.*) No, pardon me, they were men who had not given up at this time.

(*The President.*) Do you refer to Foran, a man who was a witness here.

(*The Attorney-General.*) A man who was murdered, I think.

(*The President.*) We had a witness of that name.

(*The Attorney-General.*) The father of the witness.

(*Mr. R. T. Reid.*) I think it ought to be a matter of proof who these people are.

(*The Attorney-General.*) It shall be a matter of proof, but we must go by steps. At the present time I am referring to a speech in which three names are referred to, a Browne, a Gallivan, and a Foran.

"It is the interest of us all to forward the welfare of the country, but it is especially incumbent on the business classes of the country to discourage land grabbing, for land grabbing leads to the eviction of the people. (Cheers.) Of what use are shops and stores if the people are turned out of the country. (Hear, hear.) What does land grabbing mean? What are land grabbers? They are the instigators of the Crowbar Brigade. (Hear, hear.) They set that infamous brigade in motion, and if the shopkeepers supply such persons they can scarcely fail to see what a close connexion there is between their conduct and the action of the Crowbar Brigade. (Cheers.) Is it to be wondered at, that business should see that mills and shops are but little wanted in a country sparsely peopled by a few land agents and grabbers, or at least by a lot of farmers in a state of perennial bankruptcy, who never think, or indeed can think, of paying anybody but the rackrenting landlord. (Cheers.) Now, my advice to you, gentlemen, is to carry out legitimate boycotting in a determined and stern spirit; but you must draw a distinction between private boycotting and legitimate boycotting. A case of the former kind occurred since we met here the last time, which leads me to make these remarks. Legitimate boycotting is founded upon and justified by the necessity that exists for saving the people, and saving the country. (Cheers.) But private boycotting is prompted by private animosities and trade jealousies, and is for this reason unjustifiable and contemptible. (Hear, hear.) It impairs the usefulness of such an organization as this; it rusts and blunts the keenness of the weapon in the armoury of the National League. (Applause.) As an article in the "Freeman" lately observed, it converts into a common wood-chopper an instrument which should be——"

28 Nov. 1888.]

DENIS BLAKE.

[Continued.]

"Have," I suppose it means—

"the edge of a razor. (Loud cheers.) Carry on your legitimate boycotting in a determined way to the bitter end, but let it be directed against exterminators, and against those who are the right hand men against the aiders and helpers of the evictions of the people. (Cheers.) I turn now to a more agreeable subject."

Then the rest of the speech is about Stack's general election. I need not refer to that.

(*Mr. R. T. Reid.*) I do not know what the particular bearing of it is, but in this paragraph that is referred to by my learned friend about Gallivan Browne and Foran, the words are "I think it will be but a small compensation to them for provoking the anger of the people to receive a fortnightly visit of condolence for a Browne, a Gallivan, or a Foran."

(*The Attorney-General.*) It is "from" evidently.

(*The President.*) It was because I could not understand the word "from" that I interposed.

(*Mr. R. T. Reid.*) My learned friend read it "from." It may be or may not be, but the word here is "for." It is always as well to read it accurately.

(*The President.*) It seems to me probable the word would be "for."

(*Mr. R. T. Reid.*) I think it is quite possible, I do not take quite the same view as my learned friend does. "A visit of condolence for a Browne, a Gallivan, or a Foran." I think we ought to have evidence to show what that means if it has any special meaning. I do not know who Browne, Gallivan, and Foran are.

(*Sir C. Russell.*) They are three men who had given up.

(*The Attorney-General.*) Forgive me, Sir Charles, I think we had better deal with the evidence. My suggestion is that Browne, at that time was under police protection.

(*The President.*) Foran is a name we have had. Leaving out the others I should imagine it meant a visit of condolence for something similar to that which had occurred with reference to Browne and Foran.

(*Mr. Murphy.*) Your Lordship will remember we were going to give evidence about the boycotting of Foran. It was withdrawn on the suggestion of the other side.

(*Mr. Reid.*) I do not remember the circumstance.

(*Mr. Murphy.*) It was so. It was the first witness we called.

ARTHUR GLOSTER sworn, examined by Mr. MURPHY.

18,367. In 1879 were you a baliff on the Kenmare Estate?—In the year 1880.

18,368. And you live at Longfield which is about a mile from Firies?—Yes.

18,369. Do you remember a meeting being held towards the end of 1880 in that neighbourhood?—At Milltown. I saw a great number of persons go in in the morning to Milltown to attend the meeting.

18,370. Up to that time had you been on good or on bad terms with your neighbours?—Very good terms.

18,371. On the very night of that meeting did anything happen to you?—A party of men attacked my house when they were returning home from the meeting and broke the door through.

18,372. Can you give me the exact date in November?—I think it was the 21st of November.

18,373. Did they break your doors and windows?—They did.

(*Sir C. Russell.*) Do not lead.

(*Mr. Murphy.*) I thought the fact of the outrage was not disputed.

18,374. Were stones thrown into your house?—They were.

18,375. After that date did you have police protection?—I did.

18,376. Did you see threatening notices posted about the place?—I did, several.

18,377. What was the substance of the notices?—Warning any person not to speak to me and not to work for me.

18,378. How long did that protection continue?—It is still.

18,379. I will pass to 1885. In September 1885 do you remember a meeting at Firies?—Yes.

28 Nov. 1888.]

ARTHUR GLOSTER.

[Continued.]

18,380. As the people came home, was anything done when they came to your house?—Nothing done, but the whole lot of them booed and shouted when passing my door in returning home in the evening.

18,381. In November of that year did you have occasion to accompany the sheriff to seize some cattle?—Yes, for Lord Kenmare, for rent.

18,382. Were they put in the pound at Firies and subsequently put up for sale?—They were.

18,383. On the day of the sale did Mr. Sheehan, who is now a Member of Parliament, come to the sale?—He was there.

18,384. Were there many people?—I think about 400 or 500.

18,385. And when they were put up for sale what was the conduct of the crowd?—Very disorderly.

18,386. What did they do?—They were booing and shouting, and they insulted the agent, Mr. Leonard, the sheriff, and myself.

(*Mr. Lockwood.*) I do not know whether my friend is going to tender any evidence at the present time with regard to Mr. Sheehan, whose name was mentioned just now, but if that be so, he being one of those for whom I appear, inasmuch as he is at present in gaol, I should ask in fairness for a speech which he delivered.

(*Mr. Murphy.*) I am not going to prove any speech. I am merely going to prove his presence.

(*Mr. Lockwood.*) Any evidence which is directed against him individually I would ask my learned friend to postpone until he is here to instruct me, with regard to any view he wants to present to your Lordship as to his conduct on any occasion which is pointed to.

(*Mr. Murphy.*) I am not in a position to give any further evidence except that he was there with the crowd when the crowd were booing. That is all I propose to prove. If my friend wishes any postponement I imagine that would be reasonable.

(*Mr. Lockwood.*) No, not for that. I thought my friend might be going further.

(*Witness.*) I did not hear him speak that day at all.

18,387. (*Mr. Murphy.*) No, I collected that. Some three weeks after that, do you remember sending your horse to be shod?—I do.

18,388. Were you able to get it shod or not?—No, the smith told me he was afraid to shoe him.

18,389. I think you had to send to Killarney, which was 10 miles away?—Yes.

18,390. When going through the estate what, if anything, used the people to do; used they to make any noise and what sort of noise?—They several times blew horns.

18,391. When you went through the estate?—Yes.

18,392. Did that sort of thing ever happen to you before 1880?—Never.

18,393. Were you able to go about the estate and do your business without interruption?—I was.

18,394. On the night of the 7th June 1886 I think there was an explosion at your house?—There was.

(*Mr. Reid.*) That is all proved before. There are four pages of proof on this subject beginning at page 980, even down to the horn-blowing in Leonard's evidence.

(*Mr. Murphy.*) There is a difficulty in dealing with my learned friends.

(*Mr. Reid.*) There are four pages of proof down to the horn-blowing and everything else about Mr. Gloster beginning at page 979.

(*Mr. Murphy.*) My answer is there is a difficulty in dealing with my learned friends. If we are to take it that proof of the outrages and proof of the alleged cause of the outrages as appearing in the books of the police is to be absolute evidence, we know where we are; but if my learned friends are to be at liberty afterwards to say they allege causes not the real ones, we feel we are in some difficulty in not calling our witnesses to prove the cause.

(*Mr. Reid.*) My observation is my learned friend has not been dealing with the cause of the outrage, nor with the connexion of the Land League, but has been merely repeating that which has been proved at length at page 979 and onwards.

(*Mr. Murphy.*) We wish to take your Lordship's opinion as to whether this class of evidence is to be excluded or not?

(*The President.*) Of course, I have not been going through it, as I daresay M. Reid has. Of course I must rely upon you not to repeat evidence which has been given.

28 Nov. 1888.]

ARTHUR GLOSTER.

[Continued.]

If you base it upon the principle you have suggested, I think you are justified; namely, that you are seeking to show what the real cause was.

(*Mr. Murphy.*) Yes, that is it.

(*The Attorney-General.*) May I add one word with reference to what Mr. Murphy has said which I entirely endorse. We entirely feel what your Lordship has said, or rather what my learned friends have intimated with regard to any shortening we possibly can; but Sir Charles Russell properly, if I may humbly say so, from his point of view, made observations with regard to the motive column. Now, it does seem to us that we, taking the responsibility ourselves, must bring certain cases before your Lordship which will support and justify the allegations made in the motive column, unless an admission is made. We quite agree that it is a matter which we ought to shorten as much as we possibly can, but your Lordship will kindly understand what we are endeavouring to do is only to take such of the cases as have a direct bearing upon the action of the League, or the injury to people for non-payment of rent, for taking evicted farms, or for serving process in the ordinary way. Your Lordship has really anticipated what I wish to say; but I say it is upon that principle that we are proceeding.

(*Mr. Reid.*) My only comment is that the evidence has not been directed to the motive.

(*Mr. Murphy.*) Your Lordship must decide that matter, not my learned friend. There has been some evidence given before. We will do our best; that is all I can say.

18,395. Do you know Jeremiah McMahon, of Bushmount?—I do.

18,396. Is he the secretary of the Firies branch of the League?—He is.

18,397. Is he the secretary of the Firies branch of the League?—believe he is.

18398. A year or a year and a half after going did he use language to you publicly?—He did, sir, at the railway station.

18,399. Of what character?—Why, insulting me very much and called me names.

18,400. What names?—Bailiff, and that no one should stand where I be. He was drunk at the time.

18,401. Did you take him before the magistrate?—The police summoned him and bound him over to the peace.

Cross-examined by Sir C. RUSSELL.

18,402. How long have you been in this position of bailiff?—I have been about 18 or 20 years altogether; eight years as estate bailiff.

18,403. Is your local name Driver?—Yes.

18,404. On Lord Kenmare's estate?—Yes.

18,405. I suppose that comes from the part of your business being to drive the cattle you seize?—Yes, and rent warrants and notices to pay rents.

18,406. You execute rent warrants for seizure?—Yes.

18,407. You have been there 20 years you say?—Not as estate bailiff, but for the last eight years as estate bailiff.

18,408. Only eight years?—Yes.

18,409. That would bring you only to 1879 and 1880?—Yes.

18,410. But you have only been estate bailiff that time?—Yes, but I have been gamekeeper about 20 years.

18,411. Is that a popular person in the country?—No, it is not.

18,412. A gamekeeper?—Well, I never was insulted in any way before the year 1880.

18,413. Are you a farmer's son yourself?—I have a farm myself.

18,414. How many acres do you farm?—About 30 acres.

18,415. You can tell us probably; do you recollect were the years before 1878 and 1879 pretty prosperous years?—Well, I believe 1879 was a bad year.

18,416. Before 1878 and 1879 there were some good years, were there not?—Yes, there were.

28 Nov. 1888.]

ARTHUR GLOSTER.

[Continued.]

18,417. There were not many evictions, were there?—Well, I was not accustomed to the estate at that time.

18,418. Tell us have you any recollection?—I do not think there was.

18,419. Were there a good many notices of evictions in 1879, 1880, and 1881?—Well, the part of the estate that I had business on, there was not many on my part.

18,420. Were there a good many on the estate?—I could not say; there are three more bailiffs on the estate besides myself.

18,421. Three other men drivers besides yourself?—Yes.

18,422. Had you yourself upon the property of the estate for which you were acting, served distress notices?—I had.

18,423. And had you distrained?—I had not in 1880.

18,424. When first, in 1881?—I think the first in 1885 in my district.

18,425. The first actual distress that you made?—Yes.

18,426. But you had served ejectment notices before that?—Yes, I had.

18,427. A good many of them?—Yes, I had.

18,428. And seized cattle, had not you?—No, I had not before.

18,429. You had not before 1885?—No.

18,430. Have you seized the potatoes in the house under a distress for rent?—I do not recollect it.

18,431. Did you not?—I seized cattle, and corn, and hay.

18,432. Did you not seize potatoes in the house?—Well, I do not remember.

18,433. Just let me understand. The meeting in November 1880 was held at Mill-town?—Yes.

18,434. Do you recollect who were the speakers who attended it?—I could not say.

18,435. Did you go to the meeting?—No, I never attended the meetings.

18,436. The meeting of September 1885, do you know who attended that meeting?—I could not say; that was held in Firies. I could not say who attended.

18,437. I did not catch it, but I am told you said something about an explosion?—Yes, on the 7th June 1886.

18,438. What was it?—Well, I could not say what it was. There was a gun and revolver found on the place where the explosion took place, quite close to my house.

18,439. A gun and revolver found near the place?—Yes, quite close near the place; about 10 or 15 yards off the house.

18,440. A gun and a revolver?—Yes, they were at my place.

18,441. Who found it?—The police and myself; they were at my place. I was with them at the time.

18,442. I do not know what the explosion was; what do you say the explosion was?—I could not tell you.

18,443. Did you notice or observe what it was?—I saw a deep hole in the ground, about two feet square, and the earth all torn up.

18,444. Whereabouts?—About 20 or 25 yards from the house, and the police found two pairs of shoes and a hat quite close to the house.

18,445. Found a pair of shoes and a hat?—Yes; the shoes were not close, but the hat was quite close to where the explosion took place.

18,446. The hat was quite close to where the explosion took place?—Yes.

18,447. This was about 25 yards from the house?—Yes.

18,448. In the road, or yard, or what?—In the field.

18,449. In the open field?—In the corner of the garden.

18,450. Twenty-five yards from the house?—Yes.

18,451. Was it near any other building?—No, it was not.

18,452. That struck you as a funny thing, did not it?—I could not find what was the cause of it, or what it was for.

18,453. Was it some time before you found the gun and revolver?—I found the gun and revolver, just about half an hour after, a few minutes after.

18,454. So that the ruffians who had done this had left a hat and a pair of shoes, a gun and a revolver?—Yes, a gun and revolver loaded.

18,455. And nobody to be seen?—No.

18,456. What time did you and the police go out?—We went out a few minutes after it occurred.

18,457. How many minutes after it occurred?—As soon as we were dressed we went out, after it occurred.

28 Nov. 1888.]

ARTHUR GLOSTER.

[Continued.]

18,458. How many police had you in the house at that time?—Three.

18,459. Boarding and sleeping at your house?—Not at the same house, but close to where I lived, about 20 yards.

18,460. In an outhouse?—In another house of mine.

18,461. Were there three policemen all taking their rest the same time?—Well, I think they were in bed. They were inside, anyway, in the house.

18,462. None of them were patrolling about the place, as far as you know?—I could not say. I do not think they were.

18,463. Did you hear the sound of the explosion yourself?—I did, sir.

18,464. Then you got up and dressed?—Yes.

18,465. And you went to where the police were?—The police called to my door, they did, and asked me, “Did I hear any explosion or any great report?” I told them I did, and we went out and searched all round the place.

18,466. What hour was this?—About 2 o’clock in the morning.

18,467. What time of the year?—The 7th June.

18,468. So that it was near daylight?—Very near daylight.

18,469. So that you could see about you pretty well?—It was daylight about half an hour after.

18,470. You could see nobody in sight?—No.

18,471. Did they go to look after anybody?—They did. They found tracks of bare-feet men in the place.

18,472. Where were the tracks?—Just where the gun was found.

18,473. How far was that from the pit which was dug. 25 yards?—The gun was found about 15 yards from the place, and the revolver close to the spot.

18,474. Where was the gun found?—Outside the ditch in the garden.

18,475. And traces of men?—Bare feet.

18,476. Bare feet, was it?—Yes.

18,477. Traces of bare feet?—Yes.

18,478. Where were the traces of the bare feet?—We found them on the spot where the gun was

18,479. That was 10 yards from the pit?—Yes.

(*Mr. Reid.*) I have no questions.

Cross-examined by Mr. DAVITT.

18,480. Was there grass about where the gun and revolver were found?—There was grass, and it was on the verge of the dyke. There was a little ditch close there.

18,481. Was the trace of the feet on the grass?—On the side of the ditch. There was a little ditch about a foot and a half.

18,482. It was on the side of the ditch—was it clay?—Well, it was clay.

18,483. (*Sir C. Russell.*) I have forgotten to ask you. What does your family consist of. Have you grown-up sons?—I have.

18,484. Where they in the house with you?—There was some in the house at the time.

Re-examined by the ATTORNEY-GENERAL.

18,485. One word in reference to the processes you served. I think you said you had not previously been bailiff. Did you serve [whatever processes were given you by Mr. Leonard?—I did.

18,486. You had nothing to do with serving processes yourself?—No.

18,487. You only served what you got?—Yes.

(*The Attorney-General.*) I must ask your Lordship kindly to make a note with reference to the case proved half an hour ago, which was suggested to have been a private grievance, and you rather intimated, and we accepted that view. It is the case of Edward or Edmund Brown, where a woman of the name of Horan had previously been in occupation of the farm. You remember a case of 15*l.* was paid at

28 Nov. 1888.]

ARTHUR GLOSTER.

[Continued.]

the time, but the suggestion of Sir Charles Russell was, that it was a private grievance.

(*Sir C. Russell.*) No, I made no such suggestion. It was with reference to Galvin that suggestion was made.

(*The Attorney-General.*) I desire to prove this. It is the "Kerry Sentinel" of the 21st December 1880. Castleisland Land League. We put in the whole report, but I will only read so much as is material for my purpose. "Special meeting of this branch of the Irish National League, held on Tuesday to consider some urgent cases. Mr. P. D. Kenny, President, in the Chair. After the enrolment of some members, the Chairman said: Rev. Father Murphy and Gentlemen, I am glad to have to inform you, that Browne of Scartaglin is to come before the meeting to-day, and I believe it is the united action of the Land League that has forced him to give up. Browne here entered the room guarded by two policemen with loaded rifles, and followed by a vast crowd"; and then followed the discussion, the whole of which I refer to, and put in. I need not read it now. I put it all in, I only desire to supplement that evidence about Mr. Browne's case.

The report was put in but not read, and is as follows:—

"Chairman:—Well, Mr. Browne, are you going to give up your land, I mean Horan's farm?

"Browne:—I am not. (Sensation.) I will give it up to the man that gave it to me—Sir Maurice O'Connell—and I was not forced by the landlord to take it. It was my father that got this land for Keane from the landlord, and I thought as it was going to any other one I ought to get it, and if I thought it was any harm to take it I would not—

"A voice:—Give it up now, and it will be all right.

"Browne:—I can't stir with the blackguards. (Sensation, and cries of withdraw that.)

"Rev. A. Murphy:—He did not intend that expression for the members of the League.

"Browne:—Oh, I did not, father. It was the little lads of the town and the auld women that can't let me alone.

"Chairman:—What did you pay the landlord for this land?

"Browne:—I paid him a year's rent, sir—15*l.*—and the cost of a lease.

"A voice:—How soon you took it out. (Hear, hear, and laughter.)

"Browne:—Look.

"Rev. Father Murphy:—Unless you keep order I certainly shall have the room cleared.

Chairman:—"Is the 15*l.* and the price of the lease in Sir Maurice's pocket now."

"Browne:—It is so."

"Chairman:—You should get back that money from him.

"Browne:—Out of hell there is no redemption (laughing).

"Chairman:—Have you not the land now a year, and really it should be worth the rent.

"Rev. Father Murphy:—I am aware it is worth too little, and I am aware also that there can be very little expected from Sir Maurice O'Connell. I wrote to him in the beginning of this business, and he had not the common courtesy of replying. (Oh, Oh.) The Ven. Archdeacon O'Connell then wrote to him (Sir Maurice), and he gave one fortnight's time to see if poor Horan would send money from America. (Oh, Oh.) Before you to-day stands poor Mrs. Horan the picture of misery. Her husband in America, and her two children in eternity since this eviction. (Murmurs).

"Chairman:—On what terms will you give up this land, Browne?

"Browne:—If I got my money, sir, I have no hold of it.

"Father Murphy:—You will get the 15*l.* and give up the poor woman's land. I will make it up for you.

"A voice:—He should give it up without anything.

"Father Murphy:—I will lend myself, then, and let him (Browne) give up the land. (No, no), we will make up amount you want, Father Murphy.)

28 Nov. 1888.]

ARTHUR GLOSTER.

[Continued.]

"Father Murphy:—Now, Browne, you will get 15*l.* for giving up this land to Mrs. Horan, and have no more to do with it.

"Browne:—No, sir. I will give it up to Sir Maurice—Maurice O'Connell, the man that gave it to me. What would I do if he turned me out of my own farm?

"Chairman:—I am sure Sir Maurice would not be guilty of any such thing, and I believe you do intend giving up this land, notwithstanding the fact that the respected priest has guaranteed you the amount you required.

"Browne:—Oh sure, sir, I will take Father Murphy's word for it. I was never warm enough to take this land. It was 12 months ago since I took it.

"Father Murphy:—I passed by that land some few weeks after the eviction, and spoke to some men on the road, and said that no man will take that land.

"Browne:—I did not hear you, sir, and my hearing then was better than now.

"Father Murphy:—Your what?

"A voice:—He says, father, his hearing is bad from the buckshot. (Laughter.)

"Father Murphy:—Now, will you give up this land to Mrs. Horan?

"Browne:—I will give it up to the man that gave it to me, Moyninan land, Sir Maurice's land.

"Chairman:—You should give it up to Mrs. Horan, and not to Sir Maurice.

"A member:—Sir Maurice is going to turn the house into a police barracks.

"A voice:—If he does he will have to turn his own house into another barracks. (Hear, hear, and laughter.)

"Another voice:—If you are put out you will be put in again, and mind it better than the two policemen would mind you. (Laughter.)

"Father Murphy:—I certainly will clear the room if this is persisted in.

"Chairman:—Take away your stock now off the land.

"Browne:—I will, sir. You ought to see after that affair, though.

"Chairman:—What affair?

"Browne:—You know it well.

"Chairman:—Really, I do know what affair you mean.

"A member:—He, Browne (the suspected) has been the cause of the death of Mrs. Horan's son, who it is supposed died of fright, and the inquest is to be held on Thursday.

"Browne:—I never intended doing the child any harm, and I am not a bit afraid, but I will get out of it, too.

"Chairman:—We have nothing to do with that matter.

"Father Murphy:—What we propose to you is—3 members of this League will go home to your place. You will then give up possession to Sir Maurice's man, and he is then to hand back that possession to Mrs. Horan, and you will get the 15*l.*; but as a matter of course an agreement will be drawn up which you all will have to sign.

"Browne:—I am satisfied with that, father. (Hear, hear.)

"A member:—Sir Maurice will pay back the money to Browne.

"Chairman:—Has Browne has said himself, out of hell there is no redemption.

"Father Murphy:—Now, Browne, write to Sir Maurice to state our terms, and I am sure he will agree to them.

"Browne:—I am afraid he will not, sir. Would not he write to him.

"Father Murphy:—Very well, we will write to him, and now that we have done with you so far I see two policemen in the room. In the name of God tell these men you do not want them any longer. Go home and mind your business.

"A voice:—Give them (the policemen) two glasses of whiskey each and lead them in town after you. (Cheers and laughter, amid which Browne withdrew).

"The meeting shortly after terminated."

JOHANNA BROWN sworn, examined by the ATTORNEY-GENERAL.

18,488. Was your husband a tenant of Colonel Rowan?—Yes, he was.

18,489. Did your husband buy a townland from Colonel Rowan?—Yes.

28 Nov. 1888.]

JOHANNA BROWN.

[Continued.]

18,490. There were two tenants on it named Fitzgerald?—Yes.

18,491. Was your husband ever a member of the League?—No.

18,492. I do not know the year, the 3rd of October I think it was, but what was the year in which your husband was shot?—Six years ago, I think.

18,493. Very well, I daresay it is.

(*Sir C. Russell.*) The date I was told was the 4th of October 1882.

(*The Attorney-General.*) 3rd of October 1882. Was your husband at work in his field?—Yes.

18,494. Was that a part of the land he had bought, or near to it?—In his own field.

18,495. His own field?—Yes.

18,496. Was that anywhere near to the land he had bought?—The next field to it.

18,497. Was he shot. You heard some shots?—Yes.

18,498. You ran out and you saw two men run away?—Yes.

18,499. Your husband died almost immediately?—Yes.

18,500. Two men named Poff and Barrett were afterwards convicted of that murder?—Well, they were.

18,501. Prior to your husband being shot, had he been on good terms with his neighbours?—He was.

18,502. Except having bought this land, do you know of anything against your husband at all?—No.

Cross-examined by Sir C. RUSSELL.

18,503. Who were these men Poff and Barrett; were they men in the neighbourhood at all, or neighbours of yours?—Barrett was a neighbour.

18,504. How far was he living from you?—Not far.

18,505. And Poff, where did he live?—I could not tell you. I did not know how far.

18,506. Was he a stranger to you?—He was a stranger to me.

18,507. Barrett, as I understand, was a neighbour, but Poff was a stranger?—Well, he was a stranger to me, and I did not know him.

18,508. Do you know whether he lived at all in your neighbourhood, Poff?—I could not tell you.

18,509. As far as you know he did not?—I did not know him as a neighbour.

18,510. You did not know anything about him?—No.

18,511. I may ask you this question. Has it ever been in any way suggested that any complaint was made by the Land League, or any members of the Land League, of anything that your husband had done?—I do not remember anything.

18,512. You never heard of any such thing?—No.

18,513. Did you ever know or hear of your husband being in any way referred to directly or indirectly by any member of the Land League, or at any Land League meeting?—I do not know.

18,514. As far as you know did anything of the kind ever occur?—I never heard it.

Re-examined by the ATTORNEY-GENERAL.

18,515. One question I ought to have asked you, and if necessary my friend Sir Charles Russell can cross-examine afterwards. After the murder were you put under police protection?—Yes.

18,516. Had you any difficulty in getting food. Answer, please, Mrs. Browne?—I do not understand.

18,517. Had you to get the police to get food for you?—No, sir.

18,518. How did you get it?—I got it from the——

18,519. How did you get it?—From where I was getting it always.

(*The Attorney-General.*) I will call the further evidence in connexion with this case. He is a witness who has to prove a great deal more, but I only call him now for this purpose.

28 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

Inspector WILLIAM HENRY RICE sworn, examined by the ATTORNEY-GENERAL.

18,520. I think you are a District Inspector of the Royal Irish Constabulary?—Yes.

18,521. Are you stationed at Castleisland at the present time?—Yes.

18,522. I am not going into the general history of your evidence, but the principal part of the time were you at Listowel?—Yes, I was at Listowel from August 1886 to May 1887.

18,523. In November 1886 were you escorting or taking charge of prisoners from Tralee to Cork city for trial at the winter assizes?—Yes.

18,524. How many?—I think there were 43.

18,525. What were the principal nature of the charges of these men?—Well, I think what the majority were charged with was what is commonly called moonlighting, Whiteboyism, in fact.

18,526. Firing at the police, and slaughtering cattle, and things of that kind?—Yes.

18,527. Now when you got to Cork was there a large crowd there?—Yes, a very large crowd.

18,528. Did you see any Members of Parliament with the crowd?—Well, I did not know any at the time.

18,529. Do you know now?—Yes.

18,530. Who?—Well, I saw a man who turned out afterwards to be John O'Connor, who, I understand, is a member of Parliament.

18,531. Anyone else?—Not that I know of.

18,532. Now did you see this tall gentleman; is he a tall man, Mr. John O'Connor?—Yes.

(*Sir C. Russell.*) What was he doing?

18,533. (*The Attorney-General.*) Did you see him doing anything in connexion with the crowd?—Yes, he appeared to me to be the leader of the crowd leading the mob.

18,534. Did you see him do anything with his hat?—I did. I saw him continually taking off his hat and waiving it over his head and shouting.

18,535. What did he call out?—I heard him myself call out, the whole crowd were calling out and cheering and yelling as loud as they could, but I heard this man, whom I did not know at the time, he was standing at the corner of the street, and he was calling out, he was cheering at the time, and calling out "Down with British law; down with Cork jurors," and he was cheering for Poff and Barrett.

18,536. "Three cheers for Poff and Barrett." Did you hear him say that?

(*Sir C. Russell.*) He did not say three cheers.

18,537. (*The Attorney-General.*) I will get what he said. As near as you can repeat what you said, what you say he said?—I heard him distinctly cheering for Poff and Barrett, and down with Cork jurors, and down with British law.

18,538. Did any of the other people shout out either against the jurors, or cheer for Poff and Barrett?—The whole crowd were repeating the very same cries.

18,539. When this tall gentleman, whom you now say you know to be Mr. John O'Connor, shouted or cheered for Poff and Barrett, did you say anything to him?—Well, it was when he called out "Down with British law," he was like at my elbow at the time, and I did speak to him, and I told him he should be cautious what he was saying, and what he was doing.

18,540. Did you know at the time what Poff and Barrett were, and who they were?—I knew they were men who were executed for the murder of Mrs. Brown's husband, the husband of the last witness.

18,541. They had been executed in 1883?—Yes, the beginning of the year 1883, I understand they were executed.

18,542. Where had they been tried?—Well, I think they were tried in Cork; I understood so.

18,543. The same place to which you were taking these prisoners for trial?—Yes.

18,544. Did Mr. O'Connor remain where he was, or did he follow you?—He followed us.

18,545. How far?—He followed us up to the gaol door.

28 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

- 18,546. Up to the jail gate?—Yes.
- 18,547. At what distance?—That would be, I suppose about a mile.
- 18,548. Did he repeat these exclamations you have referred to or not?—Yes.
- 18,549. What did he say?—He would drive on before me on a car and get in front of the prisoners, and was cheering and shouting like this, and the mob would gather round him like this, and he would stop and cheer, make speeches till the prisoners had passed that particular point, and then he would rush on before the prisoners again.
- 18,550. Had you a serious apprehension that you might have a difficulty in getting your prisoners into the jail?—Undoubtedly there was certain apprehensions on my mind that there might be interference with the prisoners; the prisoners, of course, made a long procession on the street.
- 18,551. You were responsible for taking them to jail?—Yes, I was one of the officers in charge of the escort.
- 18,552. (*The President.*) How were the prisoners being conveyed?—Marching, my Lord.
- 18,553. (*The Attorney-General.*) With a police escort?—Yes.
- 18,554. Walking by the side?—Handcuffed two and two.
- 18,555. What do you think the number of the crowd was roughly?—I could not say; the streets were thronged with people.
- 18,556. Several hundreds?—Oh, thousands; the streets of Cork.
- 18,557. How many policemen had you there?—I really cannot say.
- 18,558. About?—I think I had 40, I suppose.
- 18,559. Regarding the prisoners, they were moonlight prisoners who were going to be tried at the Cork Assizes?—Yes.

Cross-examined by Mr. Lockwood.

- 18,560. From first to last in this incident was any hand raised against the police?—Oh, no.
- 18,561. (*The Attorney-General.*) Allow me one moment. Do you know where Brown, the man who was killed, lived?—Yes.
- 18,562. Where was he?—He lived near Castleisland.
- 18,563. Do you know?—Drumolta. He lived in my district.
- 18,564. (*Mr. Lockwood.*) I was going to ask whether there generally is a demonstration, or at the time you are speaking of, do you remember of the people when prisoners were being taken through the town?—I never escorted prisoners through Cork before.
- 18,565. That was your first experience?—Of that kind of prisoner.
- 18,566. When did you say you first saw Mr. John O'Connor?—Very soon after leaving the railway station.
- 18,567. You did not see him on the platform?—No, I did not take any notice of him on the platform.
- 18,568. Did he come up and shake hands with one of the prisoners whom you had in custody in chains?—I did not see him do so.
- 18,569. Had you a person in custody named Dr. Brosnan?—I had.
- 18,570. Was he chained to another prisoner?—He was not.
- 18,571. Was he handcuffed?—I think he was handcuffed in Cork.
- 18,572. Was he handcuffed, when he was marching through the streets, to another prisoner?—No, he was not.
- 18,573. He merely had handcuffs upon him?—I think he was handcuffed in Cork, but I did not handcuff him in Tralee.
- 18,574. Did you see Mr. John O'Connor come up and speak to him?—I did not.
- 18,575. And shake him by the hand?—I did not.
- 18,576. Do you know what Dr. Brosnan was charged with?—Yes, he was charged with some other men with, I think, firing shots at the police.
- 18,577. He was acquitted, was he not, of that charge?—Yes, I think he was acquitted.
- 18,578. Have you any doubt, sir?—Something occurred at the trial; he was not punished, at all events.

28 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

18,579. Do not you know he was acquitted?—I am not able to say that. I have not the report.

18,580. Have you any doubt in your mind that Dr. Brosnan was acquitted of the charge?—I think my recollection is he was acquitted, or that there was some technical flaw in the trial.

18,581. I do not know whether you are right in that recollection, if there was a technical flaw it resulted in his being acquitted?—Yes, he was not punished, at all events.

18,582. How far was Mr. John O'Connor from you when you first saw him?—Well, he was about the length of the court here, perhaps, when I first saw him.

18,583. You did not know him before?—I did not.

18,584. Have you seen him since?—Yes, I have.

18,585. You say there were thousands of people gathered round the prisoners as they were being marched along?—There were thousands of people in the streets, the street was full of people.

18,586. May I take it from you, all the people were shouting?—A great many of them were shouting.

18,587. And cheering?—And cheering.

18,588. Some calling out one thing and some another?—Yes.

18,589. You say you went up to him and told him to be cautious?—Yes, I was passing him by very closely, much nearer than I am to you now.

18,590. So I understand he was standing still, and you came close to him?—He was standing at the corner of the street, as I was passing him with my prisoners.

18,591. And you made an observation to him, recommending him to be quiet?—Yes, I went up to him.

18,592-3. Did he say anything in answer to you?—I said——

(*The Attorney-General.*) Do not interrupt him.

(*Mr. Lockwood.*) I do not wish to interrupt him, but I wish him to repeat what he told us, that he advised him to be cautious; did he say anything to you?—He did not, he appeared to be taken aback.

18,594. My question is, did he say anything to you?—He did not.

18,595. You passed on?—He called out then, "three cheers for a fair trial;" and I remarked that is something better than what he had previously been calling.

18,596. Did he say something to you then?—He did say that—it was not to me.

18,597. Apparently, this was said after you had made an observation to him to be cautious, so you say?—Yes, I remarked that is something better, meaning that it was better than what he had previously said.

18,598. Where do you say John O'Connor was when he said "three cheers for Poff and Barrett"?—On the street—on the foot path.

18,599. How far from you?—Not very far; about as far as from here to the angle of the Court.

18,600. How many people should you say it would be between you and him?—Sometimes a few and sometimes more.

18,601. People passing and repassing?—Yes.

18,602. Shouting and cheering?—Yes, but he appeared to me to be the leader of them, and I heard him. He is a very tall man, and I could see him distinctly.

Cross-examined by Mr. DAVITT.

18,603. You are well acquainted with the popular feeling in Kerry, I suppose?—Well, I do not really know what you mean.

18,604. How many years have you been there?—I am there since 1886.

18,605. It is part of your duty to ascertain what the people are thinking and talking about, I suppose?—Yes.

18,606. I may assume you are well acquainted with the popular feeling in the district?—Well, I have an idea what is called popular feeling.

18,607. This is under popular feeling. Do you know there is a widespread belief among the people that Poff and Barrett were wrongfully executed?—I have heard people say so—indicate so, rather.

28 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

18,608. Do you know that both these men left written declarations of their innocence?—I have heard something to that effect.

Cross-examined by Mr. BIGGAR.

18,609. These were coercion prisoners, were not they, under the Coercion Law that you were bringing to Cork?—Not at all.

18,610. What were they?—I will tell you what they were.

18,611. Let us see what they were?—Some of them were charged with firing at my own men. This is a memorandum of it, practically: “Appearing armed and disguised
“ 14; murder, 1; firing at the police, 6; carrying or shooting revolver, 2; stealing
“ bullocks from the Land Corporation, 2; robbery, 4; taking forcible possession, 1;
“ posting threatening notices, 1; appearing armed and disguised and firing at the
“ persons, 7.” I think there were four women, but I do not know what they were charged with. They were in a separate detachment.

18,612. As to these people—the venue was changed from the county where these alleged offences were committed, was not it? These prisoners were moved from the county where the offences were committed to be tried elsewhere?—Yes.

18,613. With very great inconvenience to these parties?—What parties?

18,614. To the parties to be tried?—Well, I do not know whether it was any inconvenience to them or not.

18,615. Do you mean to swear that it is as convenient for persons in poor circumstances to bring witnesses to an adjoining county as it is to bring the witnesses to the county town in which the alleged offences were committed?—Their witnesses are paid; if they were tried at home they would not be paid.

18,616. Do you mean to say the witnesses are paid beforehand, and that these poor people have not to advance the expenses?—The witnesses are paid after the trial, I am quite aware. All expenses are paid by the Crown when the venue was changed.

18,617. Do you mean to swear that the witnesses expenses—travelling expenses—are paid in advance by the Crown?—Yes.

18,618. Paid in advance?—Paid; their ticket to Cork and back.

18,619. Do you mean to swear their expenses are paid in advance?—I do; paid in advance before they leave the railway station of their town.

Re-examined by the ATTORNEY-GENERAL.

18,620. Was this a winter assize?—Yes.

18,621. And at winter assizes are persons charged in various counties tried at a t assize town?—Yes.

18,622. Are the persons charged with offences in several counties tried at one town. Is it an assize for combined counties?—For several counties.

18,623. So far as you know, had there been any change in the venue in this case at all except that they were being tried at the winter assizes. Had there been any change of venue at all?—No.

18,624. In those circumstances the expenses of the witnesses are paid for coming?—Paid by the Crown.

18,625. Do they get a ticket for their travelling expenses, in the first instance, and their maintenance after?—Yes.

18,626. You were asked by Mr. Lockwood whether people were passing backwards and forwards between you and Mr. O'Connor when you saw him; I think you said he went on a car?—Yes.

18,627. He was, altogether, with the people for about a mile?—Yes, possibly.

18,628. What was he doing as the prisoners entered the goal gate?—He was making, at the goal door or goal gate, to the crowd, a speech.

18,629. To whom?—To the mob.

PETER FAWCETT sworn, examined by Mr. MURPHY.

18,630. Were you on duty in Cork on the day that some prisoners were escorted through the streets by the last witness?—I was not exactly on duty, but I was on the street at the time the prisoners were passing through.

28 Nov. 1888.]

PETER FAWCETT.

[Continued.]

18,631. Did you see Mr. John O'Connor there in the crowd?—Yes, I did.

18,632. Do you remember whether Dr. Tanner was there?—I did not see Dr. Tanner.

18,633. Did you see Mr. John O'Connor do anything, or did you hear what he said to the crowd?—Yes, at the "Examiner" office, Mr. O'Connor got outside an outside car with Mr. Maurice O'Donnell. Mr. O'Connor stood on the outside car, caught the railings round where the driver sits, and he several times shouted "Down with the Cork jurors!" "Groans for the Cork jurors!" "Cheers for Poff and Barrett!" "Cheers for the Kerry prisoners."

18,634. Was that done once or more than once?—Several times between the "Examiner" office and the corner of Great George Street. The car stood opposite the house of Mr. O'Connor, now member for Cork, and Mr. O'Brien got on to the car with Mr. O'Donnell and Mr. O'Connor.

18,635. Were any of those phrases used after Mr. O'Brien got on to the car?—Yes, several times between that and Great George Street, where I left it.

18,636. Was the car stopped before any houses where any of those jurors lived?—Yes, I saw Mr. O'Connor put his hands on the reins of the horse and he stopped the horse the corner of Patrick Street and Grand Parade, where Mr. Hunt and Mr. Brooks lived quite convenient.

18,637. They were jurors summoned for the trial of these prisoners?—I could not tell whether they were on that jury, but they had been on several other juries before that.

18,638. I do not know whether you can tell us, or whether I shall get it better from another witness, the number of prisoners convicted at these assizes for moonlighting?—I could not say that.

Cross-examined by Mr. Lockwood.

18,639. Were there a great many people shouting out on this occasion?—Yes, immediately behind Mr. O'Connor there was an outside car on which four Cork rowdies were. I knew one of them, a man named Doyle, and he stopped when Mr. O'Connor's car stopped.

18,640. I am asking you generally, not about individuals?—Yes, generally, they cheered and groaned in response to Mr. O'Connor.

18,641. There were a great many people shouting out as to the conviction of Poff and Barrett?—No, I heard nothing of that.

18,642. Were not a great many people shouting out, making allusion to the conviction of Poff and Barrett?—When Mr. O'Connor said "Cheers for Poff and Barrett" they were cheered by the crowd.

18,643. Did you hear people in the crowd calling out the names of Poff and Barrett?—No, no one except Mr. O'Connor.

18,644. That you swear?—Yes.

18,645. Was there not a very strong feeling amongst the people as to the conviction of Poff and Barrett in the south of Ireland?—I could not say that.

18,646. Have you never heard of it?—I have never heard of it.

18,647. Do you mean that was the only occasion on which you heard the conviction of Poff and Barrett alluded to in terms?—That is the only occasion.

18,648. That you swear?—Yes, I swear that.

18,649. Had you anything to do with the trial of those men?—No.

18,650. You were not present at the trial?—I was present part of the trial. I was in court listening.

18,651. How far were you on this occasion from Mr. Rice?—Part of the time I was immediately opposite Mr. Rice, and another party followed Mr. O'Connor's car further on.

18,652. You always revert back to Mr. O'Connor. I asked you a very simple question as to where you were with regard to Mr. Rice?—Quite close to him.

18,653. During the whole time?—Not during the whole time.

18,654. Were you near Dr. Brosnan?—Yes, I saw Dr. Brosnan with the prisoners. He was pointed out to me by one of the escort. I asked who he was.

18,655. Did you see Mr. John O'Connor come up and shake hands with Dr. Brosnan?—No, I did not see that.

28 Nov. 1888.]

PETER FAWCETT.

[Continued.]

Cross-examined by Mr. BIGGAR.

18,656. Have you ever heard any opinion expressed by anyone in County Cork that the Cork jurors at these special assizes were packed on purpose to ensure a conviction?—No, I did not hear it, it was more what I read in the papers.

18,657. You have seen it stated in the papers?—Yes.

18,658. You have not heard it in private conversation?—I have heard it in private conversation amongst other parties that they always performed their duty faithfully.

18,659. You have heard some parties say that they found a verdict of conviction no matter what the evidence was, and you have heard other parties say that they acted dishonestly and unfairly?—I did not hear that.

18,660. You have never heard anyone express that opinion?—Never.

18,661. Have you seen that opinion expressed in the papers?—Yes, I saw it in “United Ireland.”

Re-examined by the ATTORNEY-GENERAL.

18,662. What papers have you seen it in?—“The Cork Daily Herald” and “United Ireland.”

18,663. Was Hurly a prisoner there?—He was not one of those prisoners.

18,664. Was he for trial?—He was for trial.

(*Sir C. Russell.*) With great deference, are we to go into Hurly's case? Hurly was not one of this detachment, and forms no part of the *res gestæ* of this part of the story.

(*The Attorney-General.*) My learned friend has forgotten, I do not wonder at it, that one part of the opening that I ventured to address to your Lordships was this. I did not understand that Sir Charles Russell appeared for Mr. O'Connor, but I was putting this forward as an action on the part of Mr. O'Connor, I will put it in the negative, not to assist the course of justice. I am desirous of getting proof of what were the trials there. We have it proved as to moonlighting. I was reminded by Mr. Lockwood's cross-examination as to Dr. Brosnan being there.

(*The President.*) How does it bear on the particular charges made against the prisoners?

(*The Attorney-General.*) I quite agree to that, my Lord.

(*Sir C. Russell.*) Will your Lordship ask him if Hurly was acquitted?

(*The President.*) You claim protection, and now you want that answered.

(*The Attorney-General.*) He had not been acquitted when the shouting took place.

CHARLES AGNEW sworn, examined by Mr. ATKINSON.

18,665. Are you a police constable?—Yes.

18,666. Are you also a shorthand writer?—I am.

18,667. Were you in Cork on the 1st of December 1886?—I was.

18,668. Were you present at all at what took place when the prisoners were being escorted on the previous night up to the gaol or two days before the 29th November?—No, I was not.

18,669. Were you present at a meeting which was held on the 1st of December 1886?—I was.

18,670. Where was it held?—It was held opposite the Court House, in Cork, opposite the County Court.

18,671. Were you there to take notes?—I was.

18,672. Do you remember who were the speakers?—There was only one speaker, Mr. O'Connor, the Member for Tipperary.

18,673. Mr. John O'Connor?—Yes.

18,674. Were you sitting on a car proceeding to take notes of the speech?—I was taking notes in the crowd first, and I was interfered with, and Mr. O'Connor gave me a seat on the car.

18,675. The car which he was on himself?—The car from which he was speaking.

18,676. Did anything happen to you while you were taking notes?—Yes.

28 Nov. 1888.]

CHARLES AGNEW.

[Continued.]

18,677. What happened to you?—The crowd prevented me; would not allow me to take notes of the meeting.

18,678. Are you able to repeat anything that Mr. O'Connor said?—Yes; I took a note of all that he said at the time.

18,679. Have you got it?—I have not got it with me.

18,680. Where is it?—I do not know.

18,681. What did you do with it?—I put it by. I supplied a transcript of it to the Government, and put it by.

18,682. Was that meeting dispersed by the police?—It was.

18,683. And up to the time when it was dispersed had any person spoken but Mr. O'Connor?—No.

(*Mr. Lockwood.*) Perhaps your Lordships will allow me to delay the cross-examination of this witness until the transcript is produced.

(*The Attorney-General.*) Certainly, I quite understand that.

(*The President.*) I suppose you have not got that transcript?

(*The Attorney-General.*) My Lord, I have sent for it. If I could get it, I would get it at once.

(*The President.*) My only object was to bring the cross-examination as close to the examination-in-chief as possible.

(*The Attorney-General.*) There is another incident in connexion with these trials at Cork, which I shall be able to prove at the present moment.

18,684. (*Mr. Atkinson.*) Did you attend the winter assizes at Cork in December 1886?—No.

(*The Attorney-General.*) Let Mr. Rice stand back a moment.

Mr. Rice recalled.

18,685. (*The Attorney-General.*) Do you know whether two men named Cronin and MacMahon served on any Cork juries?—I do not know anything about the Cork juries.

18,686. You do not know the names of any Cork jurors?—No, sir.

(*The Attorney-General.*) I am afraid I have not got the transcript here to time.

MAURICE KENNEDY sworn, examined by Mr. ATKINSON.

18,687. Do you live at a place called Anniscaul, in county Kerry?—Yes.

18,688. How far is that from the town of Tralee?—Something in the road, 16 or 17 miles.

18,689. Is it to the west of Tralee?—To the west of Tralee.

18,690. And how far from the village of Dingle?—Something less or over 9 miles.

18,691. Was there any Land League in Anniscaul or any League at all, any Land League or National League up to the year 1885?—I think so; I think there was.

18,692. What is your business?—My business is a smith, and I am a farmer.

18,693. Also are you a carrier, do you cart goods?—Yes, I keep a horse.

18,694. Do you carry butter and other things from Dingle to Tralee?—Yes.

18,695. Did you attend the auction of some hay on the property of Mr. Blennerhassett in August 1885?—I did.

18,696. Were you aware at that time whether that auction was boycotted or not?—I was not.

18,697. Did you afterwards find out that it was?—I did, sir. Sergeant Shea said so. I do not know whether it was or not.

18,698. Did you bid for any hay at that auction?—I did.

18,699. Did you take it away with you, did you purchase it?—I did.

18,700. And did you take it away?—I did sir. I had it all right.

18,701. A short time after that was anything done to your horse?—There was the ear cut off the horse.

18,702. What was done to your horse's ear?—It was cut off, sir, part of it.

18,703. When was it cut off? Was it at night or in the day?—I could not say. In the morning I saw it.

18,704. Up to the time of the purchase of this hay had you been on good terms with your neighbours?—I had, some of them.

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

18,705. After the ear was cut off your horse did you join the League?—I could not say whether I joined before or after. The time is a long time ago.

18,706. Did you join it at all events?—I joined it.

18,707. About what time did you join it, the date, was it the end of 1885 or the beginning of 1886?—I could not remember. I kept no account.

18,708. When you did join it, who was the secretary?—I could not say.

18,709. Try to remember now. Was there a man of the name of Peter Herehay?—I could not remember, sir. I could not read or write.

18,710. Did you attend the meetings of the League?—Yes.

18,711. Did you attend frequently?—I did sometimes.

18,712. How often did you attend? Once a week?—Perhaps that. Anytime I wished to call in there.

18,713. But how often did you like to call in? Did not you attend every Sunday?—Sometimes.

18,714. And how long did you continue in attendance? How many years?—I could not say.

18,715. Did you attend from the end of 1885 up to the middle of 1886?—I could not say, sir. The man who cut off the ear of my horse was a man named John Cruikshank.

18,716. I do not ask you that question at all. Who cut off your horse's ear? Were you fined by the League?—No; I was paying money according as they would ask it.

18,717. Were you fined a sum of 1s. 6d.?—I could not make out whether it was a fine, or what it was; but of course, when they wanted a subscription I gave it.

18,718. Did you pay when you were admitted as a member?—I did.

18,719. How much did you pay when you were admitted as a member?—I kept no memory.

18,720. You have no idea at all what you paid?—I have no memory.

18,721. Whether it was 1l. or 1s.?—I have no memory.

18,722. Or 5l. or a 1s.?—I do not know, sir. I do not think it was 5l. I suppose half of a pound.

18,723. What was the fee for admission?—I could not tell you. I kept no memory or account of it.

18,724. Did you pay the sum of 1s. 6d. after you were admitted?—I remember that about the 1s. 6d.

18,725. What did you pay it for?—I do not know whether it was the subscription or what it was.

18,726. Was it not for breaking the regulations of the League?—I could not say.

(*Sir C. Russell.*) What regulation?

(*Mr. T. Atkinson.*) A regulation.

18,727. Do you know a man named Tom Boler?—I do.

18,728. Was it not for speaking to him you were fined 1s. 6d.?—I was after I spoke to him.

18,729. Was it not for that you paid the 1s. 6d.—I could not say. There were people outside talking as well.

18,730. Were you asked for the subscription by the League?—Yes, on the line of making up a collection, I think.

18,731. Do you know a man of the name of Justin McCarthy?—I do.

18,732. Did you work for him?—Seldom, because I am a smith.

18,733. Did you work for him?—I did, any time he wanted to ask me.

18,734. And did he ask you?—I do not remember whether he asked me or not.

18,735. Did you work for him without being asked?—Of course, I would; any man that would pay me.

18,736. At the League meeting was Mc'Carthy's name mentioned as a "rooster"?—I cannot say, sir.

18,737. Did you ever hear the name rooster used at the League, or roaster?—Yes; that was a funny word we have in Kerry.

18,738. Did you hear the word "rooster" used at the League?—What is the meaning of the word rooster?

18,739. I am going to ask you presently. What did you understand was the

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

meaning of the word "rooster" when used by the League?—Something like potatoes, or something of that kind.

18,740. You told me you heard the word "rooster" there?—Yes, we had a cant word there.

18,741. What was the meaning of your cant word "rooster"?—Many a word corresponds to it.

18,742. What was the meaning of it?—I could not say, but we call it "rooster."

18,743. Who was it applied to?—I could not say.

18,744. Did you hear a man called a "rooster"?—Of course.

18,745. What is the meaning of that?—I could not say.

18,746. Did you use it yourself?—Myself, sir?

18,747. Yes. Have you not often called a man a "rooster" at the League?—Of course.

18,748. What did you mean by it?—We would be carrying on funny words.

18,749. Funny or serious, what did you mean by it when you said a man was a "rooster"?—I could not tell you what I meant by it.

18,750. Did not it mean a man who was boycotted by the League?—I could not say, sir.

18,751. Do you see this gentleman here (*designating Mr. Shannon*)?—Yes.

18,752. Was Boler called a roaster? Did you ever hear Boler called a roaster?—There would be a great many called roasters.

18,753. Many or few, did you hear Boler called a roaster?—Yes.

18,754. Did you hear McCarthy called a roaster?—Yes.

18,755. Did you hear a man named Coonahan called a roaster?—Yes.

18,756. Did you hear Kennedy called a roaster?—I have heard a good many called a roaster in my county.

18,757. Did you hear a man called Tom O'Donnell called a roaster?—Perhaps so.

18,758. But did you or not?—Perhaps so, I could not say.

18,759. That means you did, I suppose?—I could not say.

18,760. Did you hear John O'Donnell called a roaster?—I could not tell you.

18,761. Did you see a list of men put up at Land League meetings you attended yourself, did you see a list of roasters hung up on the wall?—I could not knock any meaning out of them.

18,762. Did you see a list?—Of course there are several lists. I could not name any of them.

18,763. Did you see a list there?—Of course any one who was sharp in any way saw it.

18,764. But are you in any way sharp?—That is a thing that concerns myself.

18,765. Did you find out at all what was the meaning of a list of persons hung up on a wall at the League?—I did not.

18,766. Did you attend meetings of the committee of the League?—Perhaps I did, sometimes.

18,767. At these committees, did any of the persons present, the members of the League, tell you what was the meaning of a list of "roasters" that was hung up?—No.

18,768. (*Sir C. Russell.*) He did not say there was a list of "roasters" hung up?

(*Mr. Atkinson.*) With your Lordship's permission, I propose to examine this witness out of the proof he originally gave, and which was taken from him.

(*Witness.*) I beg your pardon, the man who took my statement I could not understand what he said.

18,769. You mean you said one thing and he put down another thing?—I told him in my statement that I did not understand what he was saying, his voice.

18,770. Was that before he began to speak that you told him perhaps you would not understand?—Yes, in taking down my statement.

18,771. What was it you knew beforehand he would not understand?—That I would not understand his voice.

18,772. Did you tell him that Boler was boycotted?—I told him there was a rumour outside that Boler was boycotted.

18,773. Did you tell him you were fined 1s. 6d. for speaking to Boler because he was boycotted? Did you tell Mr. Shannon that you were fined 1s. 6d. by the League?

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

for speaking to Boler?—I told him that it may be, but I did not hear it said in the League house.

18,774. Did you tell him that the committee brought a charge against you for speaking to Boler?—I do not know whether I understood his voice or not.

18,775. Did you tell him that?—It might be; but I told him I would not understand his voice.

18,776. Never mind about understanding his voice. Did you tell him the committee brought a charge against you for speaking to Boler?—I may have said it; but I told him I would not understand his voice.

18,777. When you said it was it true?—Well, of course, it may—

18,778. But was it true? When you told this gentleman you had been fined 1s. 6d. for speaking to Boler, was that a true statement?—I paid 1s. 6d., and sure it was often I paid money.

18,779. Was the statement that you made to this gentleman true?—It might not, because I told him he was carrying too far with me, and I did not understand what he was saying.

18,780. Did you tell him that when you were fined at the branch League the president was present as well as a Mr. Brien, the secretary, and Mr. Moriarty. Did you tell him all that?—Of course they were present; but I do not know what was inside there.

18,781. You do not know what was going on inside, you mean?—Yes.

18,782. Were not you inside yourself with them in the room?—I could not tell you their work, of course.

18,783. Although you were in the room and they were considering the charge against you, you took no interest in it?—No interest in the world.

18,784. Although it was the charge against yourself they were considering. Were not they considering the charge against yourself when they were going to fine you?—They asked me 1s. 6d., and I gave it to them, of course.

18,785. For what. What did they ask you for it for?—They told me to give 1s. 6d., and so I did.

18,786. But for what? What was the 1s. 6d. for?—They did not tell me inside in the League house.

18,787. Did you ask?—No.

18,788. Do you know?—I heard that it was to the means of Boler. I heard outside.

18,789. And you did not believe it?—I did not.

18,790. Did you tell him also the men who worked for Mr. Justin McCarthy were called "roasters," and that Boler was one of the "roasters"?—It might be.

18,791. Did you tell that to this gentleman here?—I may have said it.

18,792. Was it true when you said it?—Of course, here is a good many in the county that are called "roasters."

18,793. When you told this to him, was that true?—I may.

18,794. But did you?—I may, because I did not quite understand what he said to me.

18,795. Did you tell him Boler was boycotted a year before you were fined for speaking to him?—I did not see him boycotted there.

18,796. Did you tell this gentleman that?—I may; perhaps I did.

18,797. Did you tell him that Boler's name was read out as a "roaster"?—Not inside the League room.

18,798. But was it read out as a "roaster"? Were you told by members of the League it was?—I do not know whether they were members or not who told me.

18,799. You were told?—Yes.

18,800. But you do not know by whom?—I do not.

18,801. Did you tell this gentleman when the people were coming out of the League room, that they told you that inside Boler had been boycotted, and his name read out as a "roaster"?—If I did, I may have told him a lie.

18,802. And did you think it was a lie when you were telling him?—I could not say.

18,803. You do not know the difference between a lie and the truth; was it true when you told him? Did you tell this gentleman that some members of the League outside told you that Boler was boycotted? Did you say that? Did you tell this

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

gentleman that you heard that a list of names was kept by the League for those who were boycotted, and that you heard that at the League meetings?—I do not think I told him that.

18,804. When were you speaking to him?—It would be something about eight days ago, or something over it.

18,805. About eight days ago?—It would be over that I think.

18,806. Are you not able to remember whether you told him that there was a list of names kept at the League for these people who were boycotted?—Yes, I told him.

18,807. And you heard that at the League meeting?—Yes, I told him I was told outside doors of it.

18,808. Did you tell him that outside the League you heard that a list had been kept by the League of those who were boycotted?—Yes, I told him that.

18,809. Did you tell him you heard that at the Land League meetings yourself?—Yes, but outside doors I heard it. I told this man outside doors.

18,810. Was it at the League meetings just as the people were coming from the League?—No. Of course the people were passing by in the public street.

18,811. Did you tell him Boler was one of those names?—I heard that he was a roaster.

18,812. Did you tell him it was understood in the country that every roaster was to be boycotted?—I may so far as I remember now.

18,813. Did you tell him that the League boycotted them?—I did not see the League boycotting him.

18,814. Did you tell him that?—I may.

18,815. Did you tell him that you used to hear discussions as to whether the names of men should be placed upon the list of the persons boycotted. Did you hear that discussion?—What did I hear?

18,816. Did you hear it talked of?—I do not understand that word at all.

18,817. Did you tell him that Coonahan Shean, Justin McCarthy's son-in-law named Kennedy, Tom O'Donnell, and J. O'Donnell were on the list?—They were examining me on the line of those names and I said as far as I could recollect they may have been on the list, but that I could not remember.

18,818. Was not it you that named those persons. Were you asked by Mr. Shannon for the names of any persons who were upon the list of roasters?—I do not remember now.

18,819. Did you not yourself name the man Coonahan?—I think it was Mr. Gray that asked me did I hear about the name Coonahan so far as I do remember now.

18,820. What answer did you make?—I told him that he might have been but that I could not remember.

18,821. To this gentleman here (Mr. Shannon), not to Mr. Gray, did you not name Coonahan?—I could hardly understand a word from that man.

18,822. Was this it? Do I understand this as your evidence, that he asked you a question which you did not understand, and in answer to that you gave the name of Coonahan. Is that it?—No; I think Mr. Gray put that question to me.

18,823. Did you name Mr. Justin McCarthy?—I think Mr. Gray put that very question to me, and, of course, it was rumoured in the place, but I did not see any boycotting of him.

18,824. Did you tell him that a man of the name of Griffin was on the list, and that he was attacked and beaten when coming from Tralee?—I do not think I did, because I could not account for anything but my own business.

18,825. Did you tell him that, whether it was true or false?—If I did it was a lie.

18,826. Was not it you yourself that mentioned to this gentleman here the word roaster?—I think it was Mr. Gray that got the question from me.

18,827. Did you not yourself mention the word roaster, and did not this gentleman ask you what roaster meant?—It might be.

18,828. Was it—anything might be—was it?—It might be; I could not say; I do not remember.

18,829. Did you tell this gentleman that after you were fined by the League for speaking to Boler, you would not work for any person whose name was upon the list of roasters?—If I did I told a lie, because I was working for them at that time.

18,830. For whom?—For some of them who were boycotted.

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

- 18,831. Which?—I was working for Tom Price.
- 18,832. After you were fined?—Yes, after.
- 18,833. Were you attacked yourself and beaten?—If I was I do not blame the League for it.
- 18,834. Who told you to say that? Did anybody tell you not to blame the League?—My own brains told me.
- 18,835. When were you beaten?—I do not understand about it at all.
- 18,836. You do not understand the word beaten?—Is that to be struck?
- 18,837. Well that is one of the ways, yes. Were you struck?—I was not.
- 18,838. Were you knocked down one night going with your horse and cart to Dingle?—To Dingle?
- 18,839. Or anywhere?—I was not. I was struck going home from Tralee through the means of drink, I guess.
- 18,840. What do you mean by through the means of drink?—Through the means of calling for a drink coming from Tralee. I told Sergeant Shea that, that I was through the means of drink coming from Tralee.
- 18,841. Did you tell this gentleman that Griffin's name was on the list and that Griffin was attacked and beaten once when coming from Tralee?—If I did I could not account for it. I could not swear to it.
- 18,842. Did you tell him that Griffin was upon the list and that he was attacked and beaten when coming from Tralee?—I may have told him, but of course I could not know what happened to him in Tralee, but I may have told him. I may have heard it.
- 18,843. Did you tell him you knew the men who beat him and that they were three Land Leaguers?—I did not say such a thing, because if I would I would say wrong.
- 18,844. Did you tell him that Kevan's name was on the list?—I could not say. He is a man who lives a distance away. How could I tell him?—I heard it by word of mouth.
- 18,845. You heard it by word of mouth?—Outside.
- 18,846. Did you tell him the windows of a man named Cohee, who gave lodgings to Kevan, were broken?—I do not know anything about it.
- 18,847. Did you tell him the principal business of the meeting of the Land League that you attended, that the League gave some of its time to considering the boycotting of "roasters"?—What time did it give?
- 18,848. That it gave some of its time to the boycotting of "roasters"?—I do not remember.
- 18,849. Did you hear any talk at the League about boycotting "roasters"?—I did not inside the League.
- 18,850. Did you tell him that you did?—No, not inside doors.
- 18,851. Where did you hear it, if you did hear it?—Out in the public street.
- 18,852. Is that on the occasion when there would be a Land League meeting?—Yes, after.
- 18,853. When the meeting dissolved or separated, you would hear this talk outside?—Yes, and after all I did not see him boycotted.
- 18,854. Is it amongst people who had attended?—Amongst all the folks around.
- 18,855. Do you remember the day you gave this statement to this gentleman?—I do not. I do not recollect it.
- 18,856. Have you given any statement to anybody since?—No, not since I came here.
- 18,857. Have you been speaking to any persons since?—I have been speaking, of course, to any man that I would meet here.
- 18,858. Did you meet any man here to whom you were speaking?—I have been meeting a good many here now.
- 18,859. Were you speaking to them about the evidence you had given, or were about to give?—No.
- 18,860. Or any statement you had made?—No, I am keeping myself to myself. I am too far away from home.
- (*Sir C. Russell.*) I think I ought to make a statement to my friend about this. So far as I am aware, there is not the least foundation for saying that he has given a statement to anybody who is instructing me, and I have no such statement. My friend can see the only scraps of information I have got.

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

(*The Attorney-General.*) I do not want to see your scraps of information, I think we had better proceed regularly.

(*Mr. Atkinson.*) Perhaps your Lordship will allow me to ask another question.

(*The President.*) Do you expect to get anything more from him.

18,861. (*Mr. Atkinson to the witness.*) You smile, I see, at that observation. The other day were you brought to any office in the Strand, or any house in the Strand?—What office in the Strand?

18,862. That is what I am going to ask you?—I do not see any office in the Strand.

18,863. Were you brought to some house in the Strand, or leading off the Strand?—I have been on the strand.

18,864. What business were you doing?—I was collecting seaweed on the strand.

Cross-examined by Sir C. RUSSELL.

18,865. How far is the strand from your own house?—It is something about a mile.

18,866. That is to say it is about a mile from Anniscaul?—I live a little to the east of Anniscaul.

18,867. I want to ask you first of all when were you first told that you would have to come here as a witness?—When was that?

18,868. I am afraid you do not understand my voice any more than I understood yours. When were you first told you would have to come here as a witness?—The day I came. I started the very day. It was the day I was on the strand collecting seaweeds.

18,869. You were taking seaweed on the strand?—Yes.

18,870. And somebody came and served you with a paper?—Yes, left it in my house.

18,871. With a 5*l.* note, I suppose?—Yes.

18,872. Who was it who left it?—It was left with my wife at the house.

18,873. But who left it with her. I could not say. I was not inside. He was gone away.

18,874. Do you know who it was? Did you learn who it was who had left it at your house?—Yes, it was to stand here as a witness.

18,875. You understood it was for that purpose, but do you know who it was who left it at your house, what man?—I could not say. I could not account, because I did not see him. He was gone before I came to my own house.

18,876. Before you got that paper requiring you to come here had you seen Sergeant Shea?—I had.

18,877. At Anniscaul?—Yes.

18,878. Had you seen District Inspector Gray?—I have here in Court.

18,879. You did not see him till you came here to London?—Till I came here to London.

18,880. Had you seen any other policeman besides Sergeant Shea before you came here?—I had seen a policeman to direct me in the way of coming here.

18,881. And did the policeman come with you here?—No.

18,882. When was it that you saw Shea first?—I think something about two or three days; something before I was here in Court on Friday last.

18,883. Before you got the paper to come here you said you had seen Sergeant Shea?—Yes; I went out to Shea's barrack at Anniscaul.

18,884. Did he send for you to come and see him?—No, it was myself that went there, in order that he would direct me what course I would take to come here.

18,885. Had you not seen Shea before that as to what had been going on in your neighbourhood?—No.

18,886. You had not?—No.

18,887. Did you make any statement to Shea?—I did not.

18,888. Or did he take anything down from you?—He did not take down anything; but I asked him the questions he would put to me. I asked him what questions he had got to put to me here, that I might remember the day my horse's ear was cut off.

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

18,889. You thought that was what you were coming to talk about?—Yes.

18,890. Then you came over here to London?—Yes.

18,891. How long ago?—It is hardly I can remember now.

18,892. (*The Attorney-General.*) You were going to look at something that is in your pocket. What was it? Take it out. Just look at it and see?—It is something I am going to show (*producing a paper*).

18,893. (*Sir C. Russell.*) Let me see what this is. This is a summons, apparently?—That is the summons. I left the day I was served.

18,894. When were you served?—The 14th, I think.

18,895. The 14th of November?—Yes.

18,896. Then you came away straightway, and are here?—Yes, I did.

18,897. Now, where did you see this gentleman, Mr. Shannon?—I saw him a few days after I came here.

18,898. And who was present at the time that you saw him?—There was Mr. Gray.

18,899. Is Mr. Gray here? Do you see him in Court?—Yes.

(*Mr. Gray stood up.*)

18,900. Was that gentleman there?—Yes, he was.

18,901. And who else?—I do not remember who else. There was a good many inside the office.

18,902. Tell us who they were. Was Sergeant Shea there?—No, he was not, so far as I seen him.

18,903. So far as you did not see him. Had the gentleman, Mr. Shannon, *that* gentleman, any paper before him? Did he read out anything to you, or what did he do?—He asked me such names, and I told him that I could not account for them, and would mind my own business. That I wanted to carry on my own business.

18,904. Did he put the names to you, or did you mention the names to him.

(*The Attorney-General.*) That is not what he said. He said, "I told him I wanted to carry on my own business."

(*Sir C. Russell.*) Did Mr. Shannon mention the names to you, or did you mention them to him first?—I mentioned, of course, when he asked me about Boler; I told him what I was told outside the door, and he said, "Was it inside doors," and I said that I could not say.

18,905. He asked you about Boler?—Yes.

18,906. Had you mentioned Boler until he asked you?—He might. He was carrying on. I hardly remember what he was saying.

18,907. But did you mention Boler first, or did he mention Boler?—It might be, I could not remember whether I did or not.

18,908. You could not remember whether you mentioned him or whether he mentioned him?—Yes.

18,909. Just go on and describe what he said to you and what you said to him?—He asked me about my name roaster. He asked me about those roasters, and I said I could not know them or anything at all about them.

18,910. Did he mention the names?—Some of them, I think.

18,911. And you said you could not what? What did you say when he mentioned the names of some of the roasters?—I said I could not account for them but in my own business.

18,912. Was Gray there all the time?—I think my case was going on before Mr. Gray came up.

18,913. Did Gray put any questions when he came up to you?—I believe so.

18,914. What did Gray say?—I do not remember now.

18,915. Were there any other witnesses there besides you?—I could not say. because there was a good many there, so far as I did not take any sharp look at them.

(Adjourned for a short time.)

18,916. (*Sir C. Russell.*) Now Kennedy, just attend to me, please. You say you are a smith, farmer, and carter?—I am a smith.

28 Nov. 1888.]

MAURICE KENNEDY.

[Continued.]

18,917. In August 1885, you attended this auction, which you say you afterwards heard it said was boycotted?—In August.

18,918. So you said, in August 1885, three years and more ago?—Yes, I think.

18,919. And a piece of the ear of one of your horses was cut?—Yes, it was.

18,920. And you got compensation?—Yes, I did.

18,921. How much?—I got 12*l*.

18,922. Whom did you say you suspected about that?—Cruikshank I suspected, but of course I could not be sure. There was a man, a caretaker, that Blennerhassett had, that he did not like me.

18,923. Is that Arthur Blennerhassett?—Yes.

18,924. Was this auction of hay upon an evicted farm?—It was Blennerhassett's farm at that time.

18,925. Had it been an evicted farm?—No, sir, not to my knowledge.

18,926. Who is Tom Boler, or what is Tom Boler?—He is a man that lives on our place.

18,927. What is he, a farmer?—I could not say. He was supposed a rooster. I do not know what he was.

18,928. I am asking you what business is he, if any. Is he a farmer?—I do not see him doing anything with farmers. I did see roads by him, and so on.

18,929. He is a road contractor?—Yes, sometimes, I think.

18,930. What is Justin Macarthy?—He is a strong farmer, I think.

18,931. Had you anything to do with either Tom Boler or Macarthy?—I am working for Tom Boler myself.

18,932. What?—I am working for him.

18,933. You are working for Tom Boler?—Yes.

18,934. Was there any time you declined to work for Tom Boler, did you always work for him when he wanted you?—Indeed, sir, he would not deny it.

18,935. You always worked for him when he wanted you, is that what you say?—Yes, but of course he was working for me.

18,936. I understood you to say he did not do his work regularly, or was it working for MacCarthy?—MacCarthy never worked by me.

18,937. He never gave you work?—He never came to my work.

18,938. Do you of your own knowledge know anything about either Boler or MacCarthy being boycotted?—No.

18,939. You do not?—Yes.

18,940. To your own knowledge?—Yes, to my knowledge.

18,941. That again, the form in which you answer that leaves it doubtful what you mean to say. Did you or not of your own knowledge know anything about Boler or MacCarthy being boycotted?—No, sir, of my own knowledge I do not see them boycotted.

18,942. Did you see them about the village?—I did.

18,943. In and out the public-house or houses?—I did.

18,944. Have you seen anything done to them?—No.

18,945. Are they alive and well?—Yes.

Re-examined by the ATTORNEY-GENERAL.

18,946. Was Cruikshank a steward?—He was a steward of Blennerhassett.

18,947. Did you report the outrage upon the house to the police yourself?—It was Cruikshank. I gave in to Sergeant Shea I made the complaint.

18,948. Did you ever say one word about Cruikshank having to do with it until to-day?—He did not like me, so I did not like him at that time.

18,949. Did you ever make any charge against Cruikshank until to-day?—I made a charge at the time. I made a statement in to Sergeant Shea that I suspected him.

18,950. That you swear?—Yes; but I could not prove it of course.

18,951. That you swear; that you told Sergeant Shea that you suspected Cruikshank?—Yes.

(*The Attorney-General.*) I propose to prove the witness's statement to Mr. Shannon.

28 Nov. 1888.]

WILLIAM JAMES SHANNON.

[Continued.]

Mr. WILLIAM JAMES SHANNON sworn, examined by the ATTORNEY-GENERAL.

18,952. You are a solicitor?—Yes.

18,953. Practising in Dublin?—Yes.

18,954. You have been assisting Mr. Soames in taking the proofs of some of the witnesses?—Yes.

18,955. Did you take the proof of Maurice Kennedy?—I did; I recollect.

18,956. Was there a shorthand writer present?—Yes.

18,957. What is his name?—Holdness, I think.

18,958. Where was the statement taken?—In Mr. Soames' office, upstairs, in 58, Lincoln's-Inn-Fields.

18,959. Who was present when you began to take the statement besides you and the shorthand writer?—I think there were one or two; it was one man if not one or two.

18,960. Anything to do with the same district?—No, I think not.

18,961. No one except you and Kennedy and the shorthand writer; at a period which I will ask you about, did Sergeant Shea come in?—No, he did not come in at all, but Mr. Gray came in later.

18,962. I gave you the wrong name. I made a mistake. Sergeant Shea was not there at all?—No, he was not up for some days after. He did not come up.

18,963-4. Will you tell us all that you knew about this man Kennedy when you began to take his statement?

(*The President.*) Will not the shortest way be to call the man who took it?

(*The Attorney-General.*) Only one preliminary question about that, my Lord.

(*The President.*) I anticipate why.

(*The Attorney-General.*) Before the statement is read, tell us the only facts you knew about this man Kennedy?—The only thing I knew about him was that the ear of his horse had been cut off.

18,965. Are you quite clear that is all you knew?—That is the only thing I knew about him.

18,966. Is the shorthand writer here?—Yes.

(*Sir C. Russell.*) I should like to ask this witness a question.

(*The Attorney-General.*) I want to call the shorthand writer first.

HENRY HOLDNESS sworn, examined by the ATTORNEY-GENERAL.

18,967. You are a shorthand writer?—I am.

18,968. Have you been taking the statements of some of the witnesses for both Mr. Beauchamp and Mr. Shannon?—I have.

18,969. Did you take the statement of the witness Maurice Kennedy?—I did.

18,970. Have you got your note there?—Yes.

(*Sir C. Russell.*) Give me a copy of it. (*A copy was handed to the learned Counsel.*)

18,971. (*The Attorney-General.*) Have you got your note?—Yes.

18,972. Now, then, read the statement?—"Cutting off the ear of Maurice Kennedy's horse."

18,973. I think that is your head note?—Yes. "Witness is a smith and farmer. He recollects bidding for the hay at Mr. Blennerhasset's auction in August 1885, in Inchisland. He did not see any threatening notice. Up to the time of the auction he had been on good terms with his neighbours. After the auction the ear of his horse was cut off. He joined the Land League at that time, and after he attended meetings at the Land League house at Anniscaul. He attended a meeting after this cutting of the horse's ear. The secretary was at that meeting. He used to cart pigs from Dingle fair to Tralee. At the fair after the outrage on his horse he did not get any pigs. This was the fair after the auction of the hay at Inchisland. He always got the carting of the pigs before this. It is the practice at these fairs that a certain number of carters go to the fair, and the jobbers would always give the carting of their pigs to these carters. This was a regular custom. He was fined 1s. 6d. for breaking a regulation of the Land League once. The committee

28 Nov. 1888.]

HENRY HOLDNESS.

[Continued.]

brought a charge against him for speaking to a man named Boler of Inch. I paid 1s. 6d. I work for Justin McCarthy——

18,974. (*The Attorney-General.*) Is there a “now” after that?—“Now”?

18,975. “I work for Justin McCarthy now”?—“I work for Justin McCarthy now. When I was fined the president of that branch of the Land League was present, as well as Mr. Brien, the secretary, also Moriarty. They said the charge against me was for talking to T. Boler. They did not say I knew Boler was boycotted. The men who worked for Mr. Justin McCarthy were called ‘roosters,’” a turnspit for landlords.

18,976. Boler was boycotted, there is one word before that?—Boler was called a rooster.”

18,977. (*Sir C. Russell.*) Kindly go back and read that again?—“Boler was called a ‘rooster.’ Boler was boycotted about a year before I was fined. About three months after the ear was cut off my horse I paid the 1s. 6d. I was not present at the meeting when Boler was boycotted, and Boler himself was not present. He was read out as a rooster. Over 20 people were present when it was arranged Boler should be boycotted. Some of the members of the League told me outside that Boler was boycotted. I heard he was called a rooster in the parish, but not at the League. I heard a list was kept for the names to be entered of those who were boycotted. I heard this at the League meetings. I know it was kept. The names of all the roosters in the parish were kept on this list, and Boler amongst them. Every rooster was to be boycotted. It was the League that boycotted him. I used to hear discussions as to whether men named should be placed on the list of the persons boycotted as roosters. The following I knew to be on the list—Coonahan, Shean, Justin Macarthy’s son-in-law, named Kennedy, F. O’Donnell, and J. O’Donnell, also the Daley’s names. I heard Coonahan was compelled to give up working for Macarthy. Griffin, whose name was also on the list, was attacked and beaten once when coming from Tralee. Three of those who attacked and robbed him were members of the Land League. They attacked and robbed him. Kevan’s name was on the list. A man named Cohee gave him lodgings, and his windows were smashed for it. Dan Dayley had his gun taken away by moonlighters. Tom O’Donnell’s cow was killed. His name was on the list. He got compensation. John Kennedy was on the list, and was fined by the League for selling a heifer to Justin Macarthy. The League devoted most of its time to boycotting the roosters. I attended the meetings some time. I heard that at one of the meetings Pat Herley said if they went on boycotting Coonahan he would make more money by it, as all the roosters would go to him. They left off, and boycotted those who went to him instead——.”

18,978. (*Sir C. Russell.*) Is it so? They left out “off”?—“So they left it off, and boycotted those who went to him instead. I heard this from the Land Leaguers and the roosters. When I went to the meetings I saw a list of ‘roosters’ on the wall. I was told by those present it was the list of roosters. All men on that list were boycotted. After being fined I could not work for Boler, Macarthy, or O’Donnell, or any of these ‘roosters’ on the list. I dare not. I work for some of them now. This is since the suppression of the League. I know that because their names were on the list. I dare not work for them.”

18,979. That is the end of the statement?—Yes.

18,980. Was that taken down at the time by yourself, from answers of the witness?—Well, the witness gave the answers to Mr. Shannon, and Mr. Shannon repeated them to me.

18,981. Did you hear the witness give the answers?—I did.

18,982. And Mr. Shannon repeated them?—He did.

18,983. Did he repeat them correctly?—Yes.

Cross-examined by Sir CHARLES RUSSELL.

18,984. Have you got any other notes with reference to this part of the statement?—No.

28 Nov. 1888.]

HENRY HOLDNESS.

[Continued.]

18,985. Have you any note in reference to the way in which he gave his evidence? —“This witness is most reluctant, he tries to get out of giving evidence.”

18,986. Then it was in the nature of a cross-examination by Mr. Shannon?—Well, hardly so, he gave his answers. He gave his evidence very reluctantly.

18,987. Mr. Shannon was treating him as an unwilling witness and cross-examining him?—To a certain extent, yes.

18,988. Suggesting names to him and topics to him?

(*The Attorney-General.*) That should be put to Mr. Shannon.

(*Sir C. Russell.*) Excuse me, Mr. Attorney.

(*The Attorney-General.*) I interpose this witness in consequence of his Lordship's suggestion that it was the shortest way. Of course, Mr. Shannon can be recalled if you wish to ask him any questions.

(*The President.*) If he is able to answer it, it can be got from this witness.

18,989. (*Sir C. Russell.*) Mr. Shannon put questions?—Yes.

18,990. Put names?—Sometimes.

18,991. Frequently?—Not frequently.

18,992. Mention one name which you can charge your memory with which this man himself volunteers?—The names of those who are on the list of roosters.

18,993. Mention one name you can charge your memory with as having been mentioned in the first instance by the witness?—Coonahan.

18,994. Mentioned in the first instance by the witness?—Yes, Coonahan.

18,995. Without any question being asked him in which the name was mentioned?—He was asked the name of those on the list of roosters, and he gave Coonahan as the first one.

18,996. Without the name being suggested?—Without the name being suggested.

18,997. You are clear about that?—Yes.

18,998. Would it be a correct description to say of the whole of this statement that it was a translation of what took place between the witness and Mr. Shannon?—Well, yes, it would.

18,999. Now, for instance, you, I am sure, will tell us candidly, you have got there this sentence amongst others, “the men who worked for Macarthy were called roosters, “the term signifies turnspit for landlord.” Do you suggest this man used that expression?—Used the expression turnspit for landlord.

19,000. Here is what you read out as part of the statement. It is printed as my friend has handed it to me in this connexion, it appears the men who worked for Justin Macarthy were called roosters, and then in reading you made this observation, “the term signifies turnspit for landlord.” Do you suggest that man used that language, or anything like it?—To that effect.

19,001. To what effect?—That the men who worked for Macarthy were called roosters, and the term signified a turnspit for landlord.

19,002. What did the man say?—I cannot remember the exact words.

19,003. Tell us as near as you can?—He said to that effect.

19,004. What were the words he used which were to that effect?—That men who worked for Justin Macarthy were called roosters.

19,005. And then he was asked what roosters meant?—And he said a turnspit for landlord.

19,006. You are sure he said that?—No. It was asked him “Does it mean you are “a turnspit for landlord,” and he assented.

19,007. That is exactly what I should have expected; I had not heard it before. “A “turnspit for landlord.” There is another expression, “The League devoted most of “its time to boycotting the roosters.” Do you say the man used that language?—Yes.

19,008. The men said their Land League devoted most of the time to boycotting roosters?—Yes.

19,009. You pledge your oath that he used that language?—He said the Land League devoted most of its time in boycotting roosters.

19,010. He used that language, spent most of its time boycotting roosters?—Do you mean word for word—not word for word to that effect.

19,011. What were the words he did use to that effect?—I think he said they spent most of their time in boycotting roosters.

28 Nov. 1888.]

HENRY HOLDNESS.

[Continued.]

19,012. Why did you not take it down as he said it?—I took it down from Mr. Shannon.

19,013. As he interpreted?—As he interpreted it to me.

19,014. You did not in other words took down in shorthand all that the man said and the questions that were put to him and from that made a proof?—Oh, no.

19,015. Mr. Shannon put questions, translated the answers, and you took down Mr. Shannon's translation?—Yes.

19,016. Now there is one statement I should like to ask you about "I was fined one shilling and sixpence for breaking the regulations of the Land League; once the committee brought a charge against me for speaking to a man called Bowler"—that is not the sentence I want to draw your attention to, but this is the one I mean, this follows the one I have just read. "Bowler was boycotted a year before I was fined"?—About three months.

19,017. Turn to your note. What have you got there?—"Bowler was boycotted about a year before I was fined." Then full stop "About three or four months after."

19,018. Very well, "three or four months after" you did not read that?

(*The Attorney-General.*) I assure you he did.

(*Sir C. Russell.*) After his horse's ear was cut he paid his fine. I was not present when Bowler was boycotted. Bowler was not present. He was read out rooster. Over 20 people were present when it was arranged that Bowler should be boycotted. Do you notice that?—Yes.

19,019. Did he use that language?—Yes, he did.

19,020. That very word you think?—"Arranged," yes.

19,021. He used that very word?—He did.

19,022. Then proceed to the next sentence that follows: "Some of the members of the League told me outside that Bowler was boycotted"?—That is it.

19,023. Do you see that?—Yes.

19,024. Did you gather from that, that he himself had no knowledge of whether Boler was boycotted or not, but what he heard outside, did you gather that, or not?—Yes.

19,025. That he had gathered it not from being present at a meeting or from knowing the thing of his own knowledge being done, but what he was told outside?—What he was told outside.

19,026. By, I think he said, some of the members of the League?—Some of the members of the League.

19,027. Did you understand him to say that he was not present, or was present when Boler's name was read out as a rooster, or was that something he learnt outside?—No, I think he said he was not present.

19,028. You think he was not present when the name was read out, you mean you think he said so?—Yes.

19,029. When he speaks about it being "arranged" that Boler should be boycotted, and that there were other people present, did you understand him that he was speaking of something he had been told or something he had witnessed?—Something he had been told.

19,030. Had Mr. Shannon any paper before him when he was putting these cross-interrogatories?—Yes, he had a list.

19,031. A list?—Yes, a list with this information on; I do not know where the information came from. There was certain information on it, and he reminded the witness, he aided his memory now and again, put this information in the form of a question, and asked him whether it was correct or not.

19,032. He reminded the witness, and aided his memory, I think those are the expressions you used?—Yes.

19,033. And what were the points in which he reminded the witness or aided his memory. The names of the roosters for instance?—No.

19,034. Then what were the points?—Well, what happened at the auction.

19,035. Anything more?—Whether he could get the carrying of pigs to the auction.

19,036. He reminded the witness of that, and put a question to him?—Whether he knew.

28 Nov. 1888.]

HENRY HOLDNESS.

[Continued.]

19,037. I am reminding you of your expression ; you said he reminded the witness and put questions to him ; what kind of a statement was it that Mr. Shannon had before him ; was it in writing or in print ?—In print.

19,038. Was it on more than one sheet of brief paper ?—Only one sheet, I think.

19,039. Of brief paper ?—Printed paper.

19,040. It was printed paper ?—I think it was printed.

19,041. Did it purport to be a statement of what—— ?

(*The Attorney-General.*) Did he see it ?

19,042. (*Sir C. Russell.*) Can you say whether it purported to be a record or a memorandum of what this man could speak about ?—No, I only saw it at a distance.

19,043. You could not say was on it or not ?—No.

19,044. That is quite fair ; I want to understand this ; had you a difficulty yourself such as we had here to-day in following this man ?—I have with most of them.

19,045. Then you had with this man ?—Yes.

19,046. I mean his phraseology and accent were strange to your ear ?—Yes, but when he volunteered a statement, to make sure that his statement was correct, Mr. Shannon repeated to him what he had said, and then he confirmed it.

19,047. Then he said, That is so ?—That is so.

19,048. Who were present when the examination was being taken, you and Mr. Shannon ?—Mr. Shannon, the witness, and Mr. Gray came in latterly.

19,049. Were those all ?—Yes, I think those were all.

19,050. Are you sure ?—People came in the room now and again—persons passed in and out.

19,051. Who were they ?—Mostly persons engaged in the business of the office.

19,052. You did not, perhaps, know who they were ?—I knew most of the people.

19,053. Were they clerks ?—Yes, clerks at the office.

19,054. Policemen ?—Yes.

19,055. Policemen and clerks, or perhaps both clerks and policemen ?—Faces that were familiar to me in the office.

19,056. Were those faces familiar to you as employés of Messrs. Soames, or were they policemen or sergeants ?—No, employés.

19,057. Clerks ?—Clerks.

19,058. And not policemen ?—No.

19,059. You, I notice, have got down this in the third person ?—Well, I did not adhere to that ; sometimes I put it down in the third person, and sometimes in the first.

19,060. Then that does not purport to be, or intended to be a shorthand note in the ordinary sense of what the witness said ?—No, the substance of what he said.

Re-examined by the ATTORNEY-GENERAL.

19,061. You heard Mr. Shannon give, what my learned friend has rightly called the substance of what the witness has said ?—Yes.

19,062. As far as you heard, was there anything repeated to you which was not the substance of what the witness had said.

(*Sir C. Russell.*) He says he could not follow the witness.

19,063. (*The Attorney-General.*) You said Mr. Shannon used to repeat to the witness what the witness had said, is that so. Did Mr. Shannon repeat anything but what the witness had said ?—No.

19,064. Did you have anything to do with the witness except acting as shorthand writer ?—No, nothing whatever.

19,065. Nothing to do with taking his evidence, or anything of that kind ?—Nothing whatever.

19,066. I do not want you to answer this unless you are sure ; do you remember whether or not the witness mentioned the name of Boler first, do you remember one way or the other ?—No, I do not.

19,067. Do you remember any other name that you can recall which you are certain the witness mentioned first. I do not want you to think about it at all unless you are certain.

(*The President.*) He gave one.

(*Witness.*) Coonahan, I gave.

28 Nov. 1888.]

WM. JAS. SHANNON.

[Continued.]

Mr. WM. JAS. SHANNON recalled.

Further examined by the ATTORNEY-GENERAL.

19,068. You were taking the witness's evidence in order to prepare proofs?—Yes.

19,069. I suppose you have done it very often before?—Yes.

19,070. And therefore you collected what you considered to be material for his proof?—I asked him.

19,071. And you dictated to the shorthand writer what you considered to be material for the purpose of the proof?—Certainly; but I repeated as nearly almost as I could the witness's words.

19,072. You have looked at his statement and heard it read?—Yes.

19,073. Kindly tell me down to what point you and he and the shorthand writer were alone, that is, down to what point you were alone before Inspector Gray came into the room?—Down to the words, "Roosters on the first, second, third"——

19,074. Down to the words, "The following I know to be on the list"?—Yes.

(*The President.*) Do not you think both of you might take the last witness's statement?

(*The Attorney-General.*) Yes, perfectly; but one further observation, and that is this——

(*The President.*) One would think that this was the turning point of the case.

(*The Attorney-General.*) Your Lordship sees, from the cross-examination, I was obliged to go into this.

Further cross-examined by Sir C. RUSSELL.

19,075. Mr. Shannon, give me the statement that you had before you at the time the witness gave his answers?—I have not it by me at present, I can send for it.

19,076. Get it, please, that I consider very important.—These were instructions I got from Mr. Soames.

19,077. Let me have the statement, please.

(*The Attorney-General.*) I do not know that my learned friend is entitled to have it.

(*Witness.*) I wish to state that they were instructions I received from Mr. Soames when I was asked to help him in that statement.

(*Sir C. Russell.*) I ask to see that statement.

(*The Attorney-General.*) I do not think my learned friend is entitled to it.

(*Sir C. Russell.*) First of all I ask is the statement in Court?

(*The Attorney-General.*) I do not know.

(*Sir C. Russell.*) I think you might with courtesy ask your clients.

(*The Attorney-General.*) It is not a question of courtesy at all.

(*Sir C. Russell.*) The reason I ask for that statement is this——

(*The Attorney-General.*) I was proceeding to get the whole story of how this was obtained.

(*The President.*) Then it seems that I have caused the difficulty. However, take it up again in your own way.

(*Sir C. Russell.*) I am really not interposing in any captious spirit at all, I think it is very important with reference to the witnesses already examined, and with reference to other witnesses whose evidence may be given, to understand the reliability of the account of this gentleman. He has pledged his oath to one statement, namely, that the only fact he knew in relation to this man was that a portion of his horse's ear had been cut off. I wish to test that statement.

(*The President.*) Yes; what is the question?

(*Sir C. Russell.*) My question is, where is that statement?

19,078. (*The President.*) Well, what is your answer; where is the statement?—The statement was the instructions given to me by Mr. Soames.

19,079. (*Sir C. Russell.*) Where is the statement is the question?—The statement, I suppose, can be had.

19,080. Where is the statement, is the question?—I believe it is in Court.

19,081. Is it in the hands of the Attorney-General?

28 Nov. 1888.]

WM. JAS. SHANNON.

[Continued.]

(*The Attorney-General.*) I will give my learned friend the statement, but he must understand he is only to refer to that part of the statement which refers to Kennedy, and I will take the responsibility of it, because on the same paper are instructions which my learned friend is not entitled to see.

(*Sir C. Russell.*) I do not want to see it. Will your Lordships look at it. (*To the Attorney-General.*) Do not tear anything off it, please.

(*The Attorney-General.*) I will take the responsibility of it, Sir Charles, you must not refer to the names of the witnesses at the side.

(*Sir C. Russell.*) I would rather you did not tear it off. (*The paper was torn off and handed to Sir C. Russell.*)

(*The Attorney-General.*) I have handed to my learned friend, Sir Charles Russell, the whole of the statement of the witness Kennedy, and I am willing to show your Lordships the rest of the paper. (*To Sir C. Russell.*) I assure you I have shown you the whole thing. I am quite willing that your Lordships may see the rest; I think I may be trusted in this matter.

(*Sir C. Russell.*) I certainly implicitly receive your statement that you have given me everything as far as you have examined it yourself.

(*The Attorney-General.*) That is the whole reference, that is the heading of the case (*handing another piece of paper to Sir C. Russell.*)

19,082. (*Sir C. Russell.*) Who brought Kennedy to your office?—I think he came there himself.

19,083. Alone?—He may have come with other witnesses, but I believe he came the morning he arrived, and stated where he was staying, and then he was summoned by a letter to the office.

19,084. Did you write to him to ask him to come?—I did not write to him, but I am sure some letter or some notice went to him to attend.

19,085. Then am I to take it from your statement, that the whole of this evidence, except the fact that his horse's ear was partly cut off, that with that exception, all the rest of it was evidence that you obtained from him in answer to questions you put to him. Is that your statement?—Certainly.

19,086. The entire of it?—The entire of it, yes. Some of the names at the end I put to him, and asked him were they on the list.

19,087. On what list?—On the list of roosters which he had mentioned to me already.

19,088. Had you then any statement as to the existence, or the supposed existence, of a list of roosters?—No, I never heard of it until he mentioned it to me. I never heard the expression "rooster" until he mentioned it to me.

19,089. I will drop the word "rooster." Had you a list of the persons who were boycotted?—No, certainly not.

19,090. You had not?—No, certainly not.

19,091. Or persons supposed to be boycotted?—No.

19,092. Had you any statement from Shea?—No, not that I saw, I had no statement before me. I had seen none.

19,093. Had you had any statement from Shea?—Since then I have had, because he arrived some days afterwards in town, and he gave me a statement in the same way that Kennedy did.

19,094. I meant Mr. Gray, had you any statement from Mr. Gray?—No, I had no statement, but he mentioned some of those names when he came in.

19,095. Who?—Mr. Gray.

19,096. That is to say, assisting in your examination of the witness?—What occurred was this: I was examining the witness and had got a good way down in his evidence when Mr. Gray came in on some office business, he heard me examining and asked me was this man from his district, and he came over then to the table, and he heard me putting some questions, and then he mentioned some of these names.

19,097. Can you mention any of those names that he, Mr. Gray, did not mention?—The first about Boler, that was undoubtedly mentioned to me by the witness Kennedy.

19,098. Which?—Boler's name was mentioned to me by Kennedy; the McCarthy's name was mentioned to me by the witness undoubtedly, and the other names which you see here, Coonahan, Sheehan, and Justin McCarthy's son-in-law Kennedy, and

28 Nov. 1888.]

WM. JAS. SHANNON.

[Continued.]

O'Donnell; I cannot take upon myself to state that those names were mentioned by the witness.

19,099. Your impression, I gather from that, is that they were mentioned by Mr. Gray?—Well, I think not, I do not think all these were mentioned by Mr. Gray.

19,100. But your impression is that they were not mentioned by the witness?—I believe one or two of these other names were mentioned by the witness, but I cannot remember which of them.

19,101. Your functions are not confined to taking the evidence of the witnesses here; you have been travelling about the country?—In England?

19,102. In Ireland?—Yes.

19,103. I mean you are not a regular employé of Mr. Soames?—No.

19,104. But for this purpose?—Mr. Soames asked me to come over for this trial.

Cross-examined by Mr. TIMOTHY HARRINGTON.

19,105. You had a paper before you, when you were asked those questions?

(*The Attorney-General.*) You can have that as well (*handing same*).

(*Mr. Harrington.*) Well, I will take it for a moment. There is a short paragraph of this, which refers to Kennedy. Were there other paragraphs of that paper, referring to other witnesses from the same district?

(*Witness.*) Will you just show me, because perhaps I can tell you; I do not think there were other witnesses (*the paper was handed to the witness*).

(*The Attorney-General.*) Just answer Mr. Harrington's question, do not give any other answer.

19,106. (*Mr. Harrington.*) There are statements referring to other witnesses in the same district, are there not?

(*Sir C. Russell.*) Keep it before you.

(*Witness.*) I think there is, in connexion with one, I do not think there are any other witnesses' names mentioned; I do not think any one of them came from that district; certainly not more than one of them came from that district.

19,107. Will you look at the one immediately preceding the piece torn off, I do not want you to read it out?—Yes.

19,108. Does that refer to the same district?—The witness there certainly comes from this district, that is the one I mentioned.

Re-examined by the ATTORNEY-GENERAL.

19,109. In the first place hand back both those papers to me, you have already given it to me once in chief, as to what you know; I will now read from the paper which was handed to Sir Charles Russell. The heading is County of Kerry. "Atrocity committed on animals. Cutting the ears off Maurice Kennedy's horse, West Inch, 28th August 1888," and the extract I handed to Sir Charles Russell was: "Maurice Kennedy, farmer, of West Inch, was the first to bid at the auction, 26th August 1885. The ear was cut off Kennedy's horse. Kennedy was awarded 12*l.* compensation at Dingle presentment sessions on the 6th November 1885. His claim was not opposed," and the names of the witnesses are put down by the side. You stated that after Mr. Gray came in you turned to him and said: This man is in your district, and Mr. Gray suggested some names; you remember stating that to Sir Charles Russell?—Yes.

19,110. Had you any written paper of any kind referring to Kennedy, except that which I have just read?—No; I had seen no more.

19,111. Or had you any statement from Shea, or anybody, when you were questioning Kennedy?—No, I had not.

19,112. You have said that some of the names—you are not sure about all—in the last part of the paper, may have been suggested by Mr. Gray, and some by the witness, but whether the names were suggested by either of them, who gave the facts about the killing of the cows, and breaking of the windows, and those further facts?—The witness.

28 Nov. 1888.]

WMILLIAM JAMES SHANNON.

[Continued.]

19,113. Had you any suggestion as to any part of that from anybody else but from the witness?—I do not think I had any.

JOHN KENNEDY sworn, examined by Mr. ATKINSON.

19,114. What is your name?—John Kennedy, sir.

19,115. Do you live at a place called Ballintubla, in county Kerry?—Yes.

19,116. Were you a member of the National League in the month of June 1886?—Yes.

19,117. Do you know a man of the name of Justin Macarthy who lives in the town?—I do.

19,118. Had he been, to your knowledge, boycotted by the League before the month of June 1886?

(*Sir C. Russell.*) Boycotted by the League; just ask whether he knows.

(*Mr. Atkinson.*) I have asked him, did he know of his own knowledge. You were a member of the League, you know?—Whether he was boycotted or not I do not know. I never said that he was.

19,119. Did the League meet every Sunday?—Very [seldom I was at the League at all.

19,120. But did you attend?—I did not attend very often,

19,121. But did you attend at all?—I did.

19,122. Did you attend seven or eight times in the year 1886?—I forget it now.

19,123. At any meeting that you were present were any resolutions come to to boycott Macarthy?—Begorra, I did not hear it at all.

19,124. Did you sell him in the month of June 1886 a heifer?—Well, I would, sir.

19,125. Were you fined 3s. for selling him the heifer?—Well, I paid a part of it.

19,126. Were you fined 3s.?—I do not know what it was, I paid the money. I do not know whether it was a fine or not.

19,127. Were you fined 3s.?—Well, I was, sir. I paid it,

19,128. For what?—Because I sold the heifer to him.

19,129. To whom did you pay the money, the fine?—I forget now.

19,130. Did not you pay it in the Land League rooms?—Yes.

19,131. To the secretary?—I could not say; it is more than 12 months now.

19,132. It was the League that fined you?—Of course it was, sir. I do not know whether it was a fine, or what it was.

19,133. Do you know what Macarthy had done that you should be fined 3s. for selling him a heifer?—I do not know.

19,134. Did you ever find out. Do you know the word "Roaster." Did you ever hear the word?—I did hear it.

19,135. Was Macarthy a "Roaster" at the time you sold him the heifer?—Well he was called a "Roaster."

19,136. What is a "Rooster"?—Begorra, I could not tell you. I do not know the meaning of it.

19,137. Did you ever ask?—No.

19,138. What do they understand by it down there?—I never asked what was the meaning.

19,139. Were you expelled from the League then?—Well, I was, sir.¹

19,140. What were you expelled for?—Because I bought some straw from him.

19,141. From whom?—From Justin Macarthy.

19,142. Was that after the sale of the heifer to him?—It was some time after.

19,143. Had you any other dealings with him?—Well, I do not know that I had, but the straw, and being a neighbour of his.

(*The President.*) Did he say bought some straw.

(*Mr. Atkinson.*) Yes, I think so.

19,144. Did he sell you some straw?—Yes.

(*Sir C. Russell.*) I do not ask him anything.

28 Nov. 1888.]

JOHN KENNEDY.

[Continued.]

Cross-examined by Mr. HARRINGTON.

19,145. When you paid the 3s. was there anything said to you about your not having paid the subscription of the year before?—No sir, there was not.

19,146. There was nothing mentioned about your subscription not being paid the year before?—I do not remember.

19,147. Had you paid your subscription the year before?—Well, I paid some shillings some time before, but I forget when.

19,148. Did you hear anything about Justin Macarthy getting up moonlight outrages there?—I did, sir, and I heard some rumour about it, and that is all I know about —

19,149. You heard about the attack on Dr. Cane's house?—Yes.

19,150. Did you hear that Justin Macarthy had anything to say to that?—It was rumoured that he had.

19,151. What was your yearly subscription; what was your subscription every year?—Well, I have only had one subscription except this late one, I think it was 1s. 6d. I paid.

Re-examined by the ATTORNEY-GENERAL.

19,152. Do you know what year it was that the outrage took place on Dr. Cane's house. Do you remember whether it was the year after you were fined?—Well, I thinkso, sir.

19,153. Do you know how long after; a year, or more than one?—Begorra, I could not tell; I never kept any account of it.

JAMES COONHAN sworn, and examined by Mr. ATKINSON.

19,154. Are you a blacksmith?—I am.

19,155. Do you live at Anniscaul, in county Kerry?—I do.

19,156. Were you a member of the National League?—No; I joined in it once.

19,157. About when did you join in it?—I could not exactly say; I have no date with me.

19,158. Was it after it was established for some time?—I was in it.

19,159. Did you attend meetings?—No; I was never in there but the day I went in to give them the money.

19,160. Were you called before the League for anything?—I was. I was called to go in.

19,161. Did you go in?—I did.

19,162. Who were there; do you know the secretary or treasurer?—I got in; I understand about that.

19,163. Were you fined?—I was not, sir, but I went in. I asked what had they against me, and they said that it was working for a certain man.

19,164. Who was the man?—I said I was working for that man for a long time, and I would continue to work for him.

19,165. What was the man's name?—Of the name of Justin Macarthy.

19,166. Was he called by any name in the country?—They were called "Roosters," sir.

19,167. What does that mean?—I could not say, sir.

19,168. Were you expelled from the League?—I was.

19,169. For working for Macarthy?—The question was that the customers left me.

19,170. Was that after the time you told the League you had continued to work for Macarthy?—Yes.

19,171. That your customers left you?—My customers left me.

ANDREW GRIFFIN sworn, examined by Mr. ATKINSON.

19,172. Are you a carter or carrier. Do you cart goods for people who employ you?—No, I do not cart goods.

28 Nov. 1888.]

ANDREW GRIFFIN.

[Continued.]

19,173. Were you bringing some goods?—I was on one occasion, when I went on my own occasion to Tralee with my car, and I also had got a letter from Justin McCarthy.

19,174. Were you bringing some goods from Tralee to Anniscaul for Justin McCarthy?—I was.

19,175. About what time was it?—Two years last July.

19,176. That is July 1886?—Yes.

19,177. Were you attacked upon the road by any person?—I was.

19,178. What was done to you?—I was beaten with a stone, and had a part of the goods taken away.

19,179. Do you know the men who did it?—I did. I know four of them.

19,180. Did they say anything at the time why they did it?—They did not the slightest.

19,181. Had you done anything to anybody except bring Mr. McCarthy's goods to cause you to be attacked?—There was an affair; one of the party attacked me in a public-house. I had a drop of drink, and one thing or another.

19,182. Were you afterwards boycotted?—The policeman caught myself and the other man attacking each other.

19,183. Do you remember the time? Were you laid up after being beaten?—I was.

19,184. Did you get any message? Was any message brought to you by one of the members of the National League about the prosecution of these men?—Yes, there was a friend of mine.

19,185. What was his name?—His name was Farrell, an old man about 80 years of age.

19,186. The men were prosecuted?—They was.

19,187. Were they acquitted?—They was.

Cross-examined by Sir C. RUSSELL.

19,188. They were tried at Cork were not they?—No.

19,189. Where?—They were tried in their own country.

19,190. Where?—Kerry.

19,191. At Tralee?—Tralee.

19,192. I do not quite understand this about the attack upon you. You say some men attacked you when you were carting some goods for McCarthy from Dingle?—From Tralee.

19,193. And you say there was a robbery committed upon you?—There was indeed, and worse than that.

19,194. And you thought you knew some of the men?—I knew four of them.

19,195. You said in answer to that gentleman, he asked you if there was any reason for that and you said there was an affair over a drop of drink?—Yes.

19,196. Some friends of these parties?—Yes.

19,197. Just tell us what that was?—The policeman took us both up to the lock-up in Anniscaul and we were summoned before the Petty Session Court and I was fined half a crown and a shilling for a drop of drink.

19,198. A shilling for a drop of drink?—For taking a drop of drink.

19,199. What were you fined for, for an assault?—Half a crown, and the other man was fined the same.

19,200. For an assault?—Yes, indeed.

19,201. Some of the people you assaulted were friends of these men, were they?—They were. There was a cousin of the man who attacked me. He was one of the men who attacked me.

Re-examined by the ATTORNEY-GENERAL,

19,202. Had this other business anything to do with Mr. McCarthy?—I had not.

19,203. Had that previous little trouble which was inquired into, had anything to do with it?—Except that I gave him a day's work, a day's mowing.

19,204. You had given him a day's mowing?—Yes, off and on.

19,205. Off and on for Mr. McCarthy?—Yes.

28 Nov. 1888.]

ANDREW GRIFFIN.

[Continued.]

19,206. Is that the reason the man complained of you ?

(*Sir C. Russell.*) He has not said the man complained of him.

19,207. (*The Attorney-General.*) Is that what led to this dispute and quarrel ?—Not at all.

19,208. What did lead to it ?—I can assign another reason for it. There were 3 or 4 cows in my holding and I got the use of the bull from McCarthy.

19,209. (*Sir C. Russell.*) I do not know really whether it is worth following out, but I understand you were carrying your own goods in your cart ?—Yes.

(*The President.*) I thought he said for McCarthy.

(*Sir C. Russell.*) No, my Lord. I thought so at first too.

19,210. And you were carrying a letter or message from McCarthy ?—I had got a letter.

19,211. That is all McCarthy had to do with it ?—That is all McCarthy had to do with it.

19,212. (*Mr. Atkinson.*) Had you not some of Mr. McCarthy's goods on the car at the time ?—Of course I had, sir. I had a bedstead and some other little goods belonging to him.

Sergeant ANDREW SHEA sworn, examined by Mr. MURPHY.

19,213. Were you stationed at Anniscaul for the last 10 years ?—Yes.

19,214. Were there many outrages or not when you first went to that district ?—There were none.

19,215. How long did that state of things continue ?—Until the year 1880.

19,216. What part of 1880 did they first begin to increase ?—In December 1880.

19,217. When you first went there was the term "land-grabber" known in the neighbourhood or not, as far as you could judge ?—It was not known there at all. I never heard of the term before.

19,218. When you first went there were there moonlighters committing outrages or not ?—No, not in that place, nor in any place.

19,219. Were people, when you first went there, ever punished for paying their rents, taking evicted farms, and so on ?—They were not.

19,220. Now, when crime was committed was there any great difficulty in finding evidence against the people who committed it ?—There was no serious crime committed previous to the year 1880, except the ordinary crime, incident to every community, such as drunkenness and trivial assault.

19,221. Had you a branch of the Land League there at that time or not ?—No.

19,222. What was the police force you had at that time. I do not want the details of it. Was it as small or as large as it afterwards was ?—It was a small force, five men in the district.

19,223. I think the first meeting of the National League was held there on the 20th September 1885 ?—On the 20th September 1885 a branch of the League was formed there.

19,224. Tell me the name of those who formed the committee ?—A man named John O'Brien, Patrick Herlehy, John Landers, Thomas Hurley, and some others whom I do not remember know. They formed the committee sitting round a table.

19,225. Now after the League had started did anything happen to Justin McCarthy the elder ?—He was boycotted in the following spring.

19,226. Was it in your knowledge why he was boycotted ?

(*Sir C. Russell.*) How could it be within his knowledge ?

(*Witness.*) Well, from all the information I got.

19,227. (*Mr. Murphy.*) If you only know it from information I pass it by ?—Yes.

19,228. Had he done anything so far as you know to cause him to be boycotted ?—No.

19,229. Was his son boycotted ?—His son was boycotted, all the members of his family.

19,230. I will not go over this again. We have had evidence with reference to some people; were people who communicated with him and dealt with him boycotted also ?—Yes.

28 Nov. 1888.]

ANDREW SHEA.

[Continued.]

19,231. How was he treated when he went out in the streets?—He and his followers were booed and shouted at.

19,232. In consequence of this did you prosecute Pat. Hurley?—Yes.

19,233. James Flahire, Pat. Connor, and Philip Moriarty?—Yes.

19,234. Were Hurley, and Moriarty members of the committee of the National League?—They were.

19,235. Did you know Thomas O'Donnell?—Yes.

19,236. A farmer, I think, at Droumavalla?—Yes.

19,237. Did he hand you a threatening notice which he said he had received. I cannot put it higher?—Yes.

19,238. You have got it there?—Yes.

19,239. Just produce it please?

(*Sir C. Russell.*) Who does this come from?

(*Mr. Murphy.*) From O'Donnell. It is only to identify it. Was it on the 8th August 1886 that he gave you that threatening notice?—Yes.

19,240. On the 10th September following was his house attacked?—Yes.

(*Sir C. Russell.*) 10th September, when?

(*Mr. Murphy.*) The same year, 1886, within a month after.

19,241. In the November following was a cow of his stabbed?—Yes.

19,242. Did you know William Cohey?—Yes.

19,243. On the 12th September 1886 was his house attacked?—Yes.

19,244. Do you know whether at that time a man named Cavan was in the house?—Yes, he was harboured in the house.

19,245. Was Cavan a man who had been caretaking on the Townshend property?—Yes.

19,246. And was McCarthy bailiff on that property?—Yes.

19,247. Do you know the Dalys in that neighbourhood?—Yes.

19,248. Were their houses attacked?—Yes, on the 29th October 1887. It was at a subsequent date.

19,249. That is in the next year. I will pass that over. Do you produce a notice that was found posted up which you received from another constable, Constable Parry?—Yes, intended for a man name Michael Derane. That is the notice.

19,250. Is Parry over here or not?—No, he is not.

19,251. Then I will not trouble with it?—He has left the service.

19,252. Was there a farm of Ballinoren which was an evicted farm in that neighbourhood?—Yes.

19,253. Were the police protecting the caretaker there?—Yes.

19,254. You cannot carry it further than that you received this from Parry with a statement as to where he found it?—No.

19,255. A man has been examined here to-day of the name of Kennedy. Do you remember Kennedy?—Yes.

19,256. Did he communicate with you with reference to an outrage that was committed upon his horse?—Yes.

19,257. Is it true that when he communicated with you he told you anything about its having been done by Cruikshank?—It is perfectly untrue.

19,258. Did he ever mention the name of Cruikshank to you?—No, he did not mention the name of anybody as having committed the outrage.

19,259. Can you tell me the date of the outrage in Kane's house. That I think was in your district?—Yes.

19,260. What was the date of it?—The 11th December last year 1887, on Sunday night.

Cross-examined by Sir C. RUSSELL.

19,261. Did Kennedy say anything about whom he suspected?—He did not. I wanted to get it from him even, and he said that he suspected nobody in particular.

19,262. If he has sworn that he told you he did not know who had done it, but he suspected Cruikshank, that is not true?—That is not true, he did not.

19,263. Did he say or did you know that he had had a quarrel with Cruikshank—I was not aware that he had.

28 Nov. 1888.]

ANDREW SHEA.

[Continued.]

19,264. Will you pledge your oath that he did not tell you he had had a quarrel with Cruikshank?—I do not remember.

19,265. That is all you are able to say?—That is all I am able to say.

19,266. You have given us the date of the attack on Dr. Kane's in 1887?—Yes, the 11th of December last year.

19,267. We have heard from another witness that this man McCarthy was supposed to have had something to do with that. You have heard that before?—I have.

19,268. Was there an investigation?—There was.

19,269. Was that conducted by a Mr. Shannon, a brother of the witness who was in the box a few minutes ago?—Mr. Shannon came there on a certain Sunday merely to get an outline of the case, the particulars, the facts. He went to Dr. Kane's house, not to make an investigation before the magistrates.

19,270. Did anything come of that inquiry?—Yes.

19,271. What became of it?—There was one man transported, another got penal servitude for seven years, and another six months in prison.

19,272. Who were these men?—Denis Donoghue got penal servitude for seven years, and John Buckley got imprisonment for six months.

19,273. Had either of those persons anything whatever to do with the Land League?—I am not aware.

19,274. Or National League?—They came from a distance of 30 miles from the place.

19,275. Was it stated that McCarthy had brought them from a distance?—There was a rumour to that effect.

19,276. McCarthy was a kind of sub-agent to Mr. Hussey, was not he?—Yes, he was transacting some business with him.

19,277. Was it said he was getting up a party of moonlighters of his own?—McCarthy, you mean?

19,278. Aye?—It was stated that he brought the moonlighters on this occasion, but outside that I am not aware he was getting up any moonlighters.

19,279. But so far as you know, those men had nothing whatever to do with the Land League or National League?—I am not aware. They were 30 miles distant from me.

19,280. I do not consider it an offence at all, but I want to know what the fact is. Do you know whether as a matter of fact those men were defended by Mr. Hussey?—I do not know. They were defended by a solicitor named Mr. Murphy in the first instance, and afterwards by counsel in Cork.

19,281. Is that a partner of the Crown Solicitor for Kerry?—Yes.

19,282. Give me the names of the men, two of whom I think you have said were members of the National League or of the committee of the National League who were bound over to keep the peace?—Patrick Hurley was one.

19,283. Who else, if anybody?—A man named Patrick Cormor.

19,284. Anybody else?—John Connor, and James Flahire, and Philip Moriarty. But it might be right to say that it was not for this particular offence Philip Moriarty was bound to the peace. He was bound to the peace in another case.

19,285. Very well, I will recollect that distinction. Is this the offence, that these men were charged with compelling or inducing certain persons not to do or to abstain from doing some act which they were entitled to do, to wit, dealing with so and so?—That was not the charges.

19,286. What was it?—The charge was for being guilty of conduct calculated to incite to a breach of the peace by shouting, booing, whistling, and throwing stones at Justin McCarthy and others.

19,287. Very well. Booing in the streets which might lead to a breach of the peace?—Yes.

19,288. Therefore they were simply bound over to keep the peace?—Bound over to keep the peace.

19,289. McCarthy did not seem to be a popular person?—No, he was not.

19,290. Is it part of your business as a policeman at all to concern yourself with the causes of disturbance?—To identify myself with the cause of disturbance.

19,291. You do not?—I do not.

19,292. I do not know that you understand. To concern yourself and inquire into the causes of disturbances?—Oh, yes, that is part of my duty.

28 Nov. 1888.]

ANDREW SHEA.

[Continued.]

19,293. I am not talking about discovering who committed offences. In that sense I am not speaking of the cause; but have you to make any report to your superiors or do make any report to your superiors as to the state of the people in the country?—No, except when an outrage is committed.

19,294. So that you are not at all asked to report to the authorities anything about the general state of the country?—Yes, when it is in a disturbed state.

19,295. Have you sufficient knowledge to know whether notices to quit and evictions do or do not cause disturbance and outrage?—I would not say that notices to quit do, but perhaps evictions might lead to it.

19,296. You think notices to quit would not?—Yes.

19,297. You think that notices to quit would not?—I am not aware that they would until the evictions took place.

19,298. Or ejections?—Yes, or ejections.

19,299. Would they cause disturbance?—I am not aware. I never heard of it in that district. They might elsewhere.

19,300. You have said you never heard the word land-grabbing before 1880, but you know what the thing is?—I do.

19,301. And you know that that has always been unpopular and condemned by the people?—I never heard it called by that name.

19,302. I know, but you knew the thing. You knew that land-grabbing was a man taking over the head of another man, land from which he was evicted for rent that he could not pay or did not pay?—I daresay, it was. I am sure it was unpopular in some instances.

19,303. Generally. You know of that thing having taken place, and that feeling existing as long as you recollect?—I heard that it did. I did not know it of my own knowledge.

19,304. What part of the country do you come from yourself?—From Cork.

19,305. Probably you are a farmer's son yourself?—Yes, at least not before I joined. I was an evicted farmer's son.

19,306. Then you are an authority upon the question. We have heard a great deal about this corner, this place Anniscaul. It lies between——?—Tralee and Dingle.

19,307. In a mountainous and remote part of the country?—Yes.

19,308. Except this fuss about McCarthy, was there anything serious in this neighbourhood of Anniscaul at all?—There was.

19,309. What?—Moonlight outrages.

19,310. We have heard of them. Was there anything serious?—There were no murders. The maiming of cattle took place frequently there, nothing more serious than that.

Cross-examined by Mr. Lockwood.

19,311. After the inquiry into the outrage in Kane's house, do you know whether McCarthy's license for arms was revoked?—Yes, subsequently.

19,312. Shortly after?—His license to have and carry arms was revoked on the 19th of June last.

19,313. In consequence of the circumstances connected with Kane's outrage?—I should think so.

19,314. Have you been engaged in that district in collecting evidence with regard to boycotting?—No, I have not—for this Commission you mean.

19,315. Oh, no, no, no. I do not mean to say for this Commission at all. Have you been engaged in getting up evidence with regard to boycotting in that district?—No.

19,316. Have you sent people yourself to persons in order to ascertain whether they would be dealt with?—In one instance only.

19,317. What instance was that?—It was an instance in which a man named Welch, a caretaker, who was very unpopular; at least it was suggested to him by me to go to people and see whether they would refuse to work for or sell goods to him.

19,318. There was a man named Welsh whom you believed to be unpopular?—Yes.

19,319. And you wished to get evidence of his being boycotted?—As to whether he was or was not boycotted.

28 Nov. 1888.]

ANDREW SHEA.

[Continued.]

19,320. You were not sure. So what did you do?—I suggested to him to go to persons for goods to see whether they would refuse him them, and to go to persons to ask them to work for him.

19,321. That is to say, irrespective of his wanting the goods?—Yes.

19,322. You sent him, not for the purpose really of getting goods, but for the purpose of entrapping the people to whom he went?—Yes, when he required the goods.

19,323. What did you pay him for that, or what did you offer him for that?—I paid him nothing for it, nor did I offer to pay him for it.

19,324. Did he sue you afterwards for a sum which he said you had agreed to pay him?—He did not allege I agreed to pay any sum.

19,325. Did he take some proceedings against you?—Yes.

19,326. In respect of what?—In respect of the employment of his car which I never employed.

19,327. I see, during the time he was driving about to find out whether he was boycotted?—On this occasion, on one occasion.

19,328. Was this a brilliant idea of your own or is it one that you learnt from other police constables?—It was not my own idea at all.

19,329. It was not your own?—No.

19,330. Is it a course which has been habitually followed by constables in Ireland?—No.

19,331. Has it been generally followed?—No, I will tell you what it is.

19,332. In many cases?—I am not able to say, but I have never known an instance of it being followed in that place.

19,333. I am not asking you about that place. In any place?—I am not aware that it has taken place anywhere.

19,334. Then so far as you know it was an original idea on your part?—No, it was suggested to me.

19,335. Who by?—Well, by my superior officer.

19,336. What is his name?—Mr. Gray, and in this way I may be allowed to explain. It was alleged that notwithstanding the suppression of the League boycotting was carried on as vigorously as ever, and to find out whether it was or not this was done, and the officer said that nothing would give us greater pleasure than to find that it was not the case.

19,337. You wished really to clear these people from the imputation?—Well, yes.

19,338. That your swear on your oath?—That I swear on my oath, if they were undeserving of the imputation.

Re-examined by the ATTORNEY-GENERAL.

19,339. Just go back to the material part of your evidence, please. You have been asked about this outrage on Kane's house in the year 1887?—Yes.

19,340. Was any charge brought against McCarthy of promoting the outrage or anything of that kind?—No.

19,341. You have spoken about boycotting in this place. Do not answer unless you know yourself. What as far as you know had McCarthy done to make him unpopular?—It was alleged that he allowed Mr. Hussey to receive rent in his house.

19,342. Allowed his house to be used to collect rent?—Yes.

19,343. You have been asked by Sir Charles Russell about evictions and ejectments causing outrage. Had there been evictions before 1880 in any district in which you were?—There were in that district before 1880.

19,344. Had they caused any outrage?—Not the slightest.

19,345. Or any increase of crime?—Not the slightest.

19,346. Or had it been necessary to protect the sheriff or anything of that kind in carrying them out?—Before this time of which I speak only one man, and sometimes none; one man and myself went round with the sheriff to evictions.

19,347. You have been asked about it being exceedingly unpopular to take an evicted farm, or rather, to be what Sir Charles has now called a land-grabber, and you said there was a feeling against them, but did farms remain vacant or were they generally taken up?—Never, until lately.

28 Nov. 1888.]

ANDREW SHEA.

[Continued.]

19,348. Never what?—Never remained vacant. Before, they would not be in the hands of the landlord 24 hours; in fact before one tenant had been evicted another would be in negotiation for it.

19,349. Was there any outrage, apart from private spite, as far as you know because a person had taken an evicted farm before 1880?—I am not aware that there was.

(*The Attorney-General.*) Before another witness is called, there is a matter I think I ought to mention to your Lordship. Mrs. Curtin who is not here, but her son and daughter are here, is anxious to correct a statement made by Mr. Leonard in answer to Mr. Lockwood as to the circumstances under which a distress was put into the house. I of course stated it on a communication made to me, but I would ask your Lordships' permission to allow that connexion to be made if you thought it right. It is in reference to a statement that Mr. Curtin was anxious to get the popularity of the League. Perhaps your Lordship would think it right that explanation should be given as a matter of satisfaction. It will not take a minute to do it?

(*Mr. Lockwood.*) Is it to contradict it?

(*The Attorney-General.*) Yes, to contradict Mr. Leonard's statement that she was anxious to be popular with the League.

(*Sir C. Russell.*) Is Mr. Leonard available?

(*The Attorney-General.*) I do not know whether he is at the moment. They have applied to me to be allowed to give an explanation.

(*The President.*) If it is to re-open that discussion, I certainly should be very unwilling to do it, but if it is to be confined simply to that—that she wishes to deny a statement which she thinks is prejudicial to herself, I would allow it.

(*The Attorney General.*) That is all.

(*Mr. Lockwood.*) May I read—

(*The Attorney-General.*) Do not read.

(*The President.*) Do you object to that course being taken, Mr. Lockwood or Sir Charles Russell?

(*Mr. Lockwood.*) No.

(*Sir C. Russell.*) Oh, no, my Lord.

(*The President.*) Let it be done in as few words as possible.

GEORGE CURTIN recalled, examined by the ATTORNEY-GENERAL.

19,350. You were managing your mother's farm, I think, in April 1888?—Yes.

19,351. A distress was put in?—Not in April.

19,352. Earlier, what time was it?—It was in December 1887.

19,353. Mr. Leonard stated that your mother was trying to get popularity in the district with the National League. I believe you want to correct that statement?—Yes; he said that we wanted him to evict us or serve us with a writ in order to gain popularity.

19,354. That you say is not correct?—It is not true.

19,355. Only one other question. Why was it that you were not able to pay the rent, what was the cause?—We were not able to make the rent out of the farm. We lost money heavily on it that year.

19,356. And were you able to sell your stock?—We were, but some at a less price than I bought them for.

Cross-examined by Sir C. RUSSELL.

19,357. Prices were very low, and you could not make the rent out of the land?—Yes.

19,358. It was a case of excessive rent?

(*The Attorney-General.*) He has never said that.

(*Witness.*) Well, no, I did not say that.

19,359. (*Sir C. Russell.*) Was it a case in which in the year you were speaking of it was a rent you could not make out of the land in consequence of the low prices?—Yes.

28 Nov. 1888.]

GEORGE CURTIN.

[Continued.]

19,360. That is what I meant by an excessive rent. Now, another question about another matter now you are here.

(*The President.*) That is exactly what I said.

(*Sir C. Russell.*) My Lord, may I not, I put it deferentially to your Lordship, have the opportunity of correcting another misstatement of Mr. Leonard.

(*The President.*) Yes, of course, but I wish you had told me before.

(*Sir C. Russell.*) How could I tell your Lordship before?

(*The President.*) I said if that was to be all I would allow it. If I had been informed it was going to re-open the cross-examination I should not have assented.

(*Sir C. Russell.*) I am afraid I could not have understood your Lordship at the moment. I thought I was assenting when there was an inquiry by your Lordship whether I had any objection.

(*The President.*) I said that was to be all.

19,361. (*Sir C. Russell.*) I only wish to ask one question. Do you know John McMahon, of Bushmount?—Yes.

19,362. Did you see him at your father's funeral?—No, I do not remember.

19,363. Just try to recollect?—I really forget now. I do not know.

Re-examined by the ATTORNEY-GENERAL.

19,364. Had your mother ever applied or suggested that the rent was an excessive rent?—No, but since my father was killed, we got a reduction of 20 per cent.

19,365. And subsequently, I think, sold her interest?—Yes.

19,366. For 1,000*l.*?—Yes, we wanted to get a reduction at that time, and Mr. Leonard would not give it to her.

DANIEL CRONIN sworn, examined by Mr. MURPHY.

19,367. Are you a farmer on Lord Kenmare's estate in Kerry?—Yes.

19,368. Prior to November 1881, had you paid your rent?—I had paid it, in secret.

19,369. Why was that? Why did you pay it in secret?—I do not know.

19,370. Was it entered in your pass-book, or not?—No.

19,371. I think your wife got a separate receipt for it?—Yes.

19,372. On the night of the 27th of November 1881, was your house visited?—It was.

19,373. Did you go to the back door and meet two men?—I did. At the front door I met them coming from the back door. I went round the house.

19,374. When they came in, did they put the lamp out that was on the table?—They did.

19,375. And did they turn your wife and daughter out of the kitchen?—They did.

19,376. What did they then ask you?—They asked me had I paid the rent, and I said not, and I showed them that it was not in the pass book, and they said I was not to pay it behind their back. One man said I was right. Then they shot me.

19,377. Did they tell you to turn your face to the wall?—Yes.

19,378. Did they shoot you?—They did.

19,379. Did they shoot you in the thigh?—Yes.

19,380. I think you reported the matter afterwards to the sergeant of police, and you were attended by the doctor and laid up for some time?—I was.

19,381. And a quantity of shot taken out of your thigh?—Yes.

Cross-examined by Sir C. RUSSELL.

19,382. Did you apply for an abatement of rent?—I do not think I did.

19,383. Did you not go with the other tenants when they presented a memorial asking for an abatement?—Anyone did not ask me.

19,384. Were not all the tenants asking for an abatement?—I heard about it, but I did not go myself. I heard a rumour of it, but I did not know myself.

19,385. What family have you?—I do not remember who was going.

28 Nov. 1888.]

DANIEL CRONIN.

[Continued.]

- 19,386. What family have you?—I have five at home and another boy.
 19,387. That is quite a small family?—I have two boys grown up.
 19,388. And how many acres?—I have six.
 19,389. How many acres?—Six.
 19,390. Are any of your children earning any money?—There is one married.
 19,391. That is not a way of earning money generally?—There is one married.
 19,392. Had you to pinch yourself very hard to pay your rent?—I beg your pardon, I do not understand.
 19,393. Had you to pinch yourself very hard to pay your rent?—To pinch.
 19,394. Aye?—I do not understand that word at all. I beg your pardon.
 19,395. Then I cannot make you understand.

Cross-examined by Mr. DAVITT.

- 19,396. Did you find it an easy matter to pay rent?—Easy?
 19,397. Yes?—I did.
 19,398. Had you plenty of money?—Oh, I had.
 19,399. Where did you get it?—Out of your six acres?—Six acres? I have more. I could not tell you how many acres I have, but it is all mountain.
 19,400. Then you never complained about your rent?—I never did.
 19,401. Did you go into the Land Court?—No. I have not got Government money nor any money.
 19,402. Did you go into the Court with reference to arrears?—I did not.
 19,403. You did not?—No.
 19,404. Did you get an abatement?—No.
 19,405. You never got an abatement?—No, I did not.
 19,406. What rent are you paying?—10l.
 19,407. For how many acres?—I could not tell you. I beg your pardon, how many acres I have.
 19,408. Then you do not know the extent of your farm?—I do not, indeed.
 19,409. Who asked you to pay your rent in private?—It is all mountain.
 19,410. Who asked you to pay your rent secretly?—Not anyone.
 19,411. Do you know who the parties were that visited your house?—I did not know any man living. They were black.
 19,412. That is they were disguised?—I cannot say what, but they looked very black.
 19,413. And you do not know who they were?—Indeed, I do not. I could not say anyone living.
 (Sir C. Russell.) Another question, my Lord, which is suggested to me, is this:
 19,414. Do you happen to know that the same party, or probably the same party, that visited you visited several other places in your neighbourhood that night?—I do not know.
 19,415. Did you not hear that?—I heard about it. I did.
 19,416. The same night?—Yes.

Re-examined by Mr. MURPHY.

- 19,417. Have you heard your brother was attacked the same night?—He was.
 19,418. He is ill, I believe, and unable to attend?—He is in bed.
 19,419. (Mr. Justice A. L. Smith.) Was he shot in the leg too?—He was not injured.
 19,420. (Mr. Murphy.) They fired into his house?—Nothing happened to him. He came over to see me the same night.

DAVID DROHAN, sworn, examined by Mr. MURPHY.

- 19,421. Are you in the constabulary?—Yes.
 19,422. Were you stationed in the same neighbourhood as the last witness?—Yes, I was there from 1877 to 1882.

28 Nov. 1888.

DAVID DROHAN.

[Continued.]

19,423. I think you visited his house immediately after the outrage?—Yes; there were nine of them attacked the same night. I visited them all on the following day.

18,424. Prior to the attack on this man did you find any threatening notices posted about in the neighbourhood?—Yes.

19,425. About how long before?—Twenty days, I should say, or 22.

19,426. Now, will you produce some of them, please. (*The witness produced one*) ?
—That is the one that was posted prior to that.

(*The document was put in and read, and was as follows:—*)

“ No Rent.

By order of the Executive.

(Signed) CHARLES S. PARNELL, President
Kilmainham Gaol.
A. J. KETTLE, Hon. Sec.,
Kilmainham Gaol.
MICHAEL DAVITT, Hon. Sec.,
Portland Prison.
THOMAS BRENNAN, Hon. Sec.,
Kilmainham Gaol.
JOHN DILLON, Head Organiser,
Kilmainham Gaol.
THOMAS SEXTON, Head Organiser,
Kilmainham Gaol.
PATRICK EGAN, Treasurer, Paris.”

19,427. Do you say there were several notices posted in the neighbourhood or not?—I have heard so, but I have only found one myself.

Adjourned till to-morrow at 10.30.

"Uncorrected Proof."

M. Davitt

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT, No. 1,
Thursday, 29th November 1888.

JEREMIAH SULLIVAN, sworn, examined by Mr. MURPHY.

19,428. In 1880 were you a tenant on Lord Ventry's estate in Kerry?—Yes, and I am still.

19,429. I think your rent is 37*l.* a year?—Yes.

(*The President.*) What date in 1880?

19,430. (*Mr. Murphy.*) I do not think we can fix it. Can you tell me what part of 1880?—No.

19,431. Do you remember the tenants going in a body and demanding a reduction of the rent?—I was with them.

19,432. What part of the year was that in?—I could not exactly tell you, in or about this time of the year.

19,433. I think that was refused; was the reduction refused or not?—We did not get the reduction we were looking for.

19,434. Did you after the tenants had left, send your wife to pay your rent?—I sent the following day; she paid a part of it.

19,435. I think she got a receipt?—She got a receipt.

19,436. It was not in the pass-book as usual, but she got a receipt?—It was the receipt we generally got.

19,437. On the night of the 2nd December of that same year, when you were in bed, were two shots fired through the bedroom window?—They were.

(*Mr. Lockwood.*) What year?

(*Mr. Murphy.*) 1880.

19,438. I think they lodged in the curtains of the bed where you were sleeping?—They did; they went through.

19,439. On the following morning, did you find a notice posted outside the door?—It was on the door.

19,439*a*. I do not know whether you have got the notice or not?—It was on the door.

(*Mr. Murphy.*) My Lords, I am told that the original has been searched for, but that it is lost. It was handed to the police. I have a copy here. I do not know whether my learned friend will object. We can prove it.

(*Mr. Reid.*) Oh, no.

19,440. (*Mr. Murphy.*) See whether this is a copy (*handing document to the witness.*) We can prove the copy?—Yes.

(*The following document was put in and read, and is as follows*):—

“ The cause that we came to you is that you paid your rent, and we swear
“ by our God that if you ever again pay it against the will of the people or any
“ other man, they will be shot. Take notice only for the large family that was
“ dependent upon you, you have been shot, and there is more black sheep in the
“ neighbourhood, and you have got not to pay rent, and they paid it, they will be
“ shot. Rory of the Hills, the Moonlight Rangers, God rest his soul.”

And then there is the picture of a coffin.

19,441. Did you afterwards become a member of the League?—I did.

500 / 9. 11. 88 18

29 Nov. 1888.]

JEREMIAH SULLIVAN.

[Continued.]

Cross-examined by Mr. LOCKWOOD.

19,442. Did you give the notice to the police?—I did, and one of them took it away.

19,443. Can you read?—I did not read it; some member of the family took it up.

19,444. Do you know that it is signed Rory of the Hills?—I did not. I did not see the policeman take it. We gave it to the policeman.

19,445. Then I will ask you a question about Rory of the Hills. How long have you heard of Rory of the Hills?—I never heard of him at all.

19,446. Before this time in 1880, had there been, to your knowledge, any secret societies in that neighbourhood?—No indeed, nor since, neither.

19,447. You know nothing of them?—No.

19,448. And never heard of Moonlighters?—No.

19,449. Never heard of such a thing?—I heard, but I knew nothing about them.

Cross-examined by Mr. ASQUITH.

19,450. You are a tenant on Lord Ventry's property?—Yes.

19,451. Whereabouts do you live, or did you live, when this outrage took place?—I lived in the county of Kerry.

19,452. Whereabouts in Kerry?—In Milltown, near Killarney.

19,453. You told us that you afterwards joined the League; what branch of the did you join?—I could not tell you that. There was a branch in the neighbourhood, and I joined it.

19,454. Where?—In Milltown.

19,455. When did you join that branch?—At that time—shortly after—some time after that.

19,456. Can you give me the date; was it in 1880?—I think so.

19,457. Have you continued to be a member of the League since?—No.

19,458. When did you cease?—Some time when it broke up; some time ago.

19,459. When it broke up?—Yes.

19,460. That was about a year after?—Yes, more than a year now that I can recollect.

19,461. Were you a member of the National League?—Yes; I was at that time.

19,462. Is the National League broken up there now?—It is, sir; that is what I meant.

19,463. That was last year?—Yes.

19,464. You continued a member of the National League until it was broken up?—During the time it was there.

Cross-examined by Mr. DAVITT.

19,465. You say the tenants demanded a reduction of rent in 1880?—Yes.

19,466. You went with them?—They did not agree that day.

19,467. Did you think that you were entitled to a reduction in justice?—Yes, just so; I was looking for it; we were looking for it.

19,468. Then you went the following day and paid the whole of your rent?—I did not, a part.

19,469. I misunderstood you. I thought you said your wife went and paid the whole of it?—No, I said a part.

19,470. The times were rather bad in 1879 and 1880 in your parts?—But we have got a reduction from Lord Ventry every time since.

19,471. All that period in 1879 and 1880, your fellow tenants found it impossible to pay the whole rent?—Yes, they were looking for a reduction.

19,472. About this party that fired shots into your house; did you see any of them?—No.

19,473. Did you know who they were?—No.

19,474. Did you make any inquiries?—They did not enter; they only fired shots from outside.

19,475. You never learned who they were?—No, never.

29 Nov. 1888.]

JEREMIAH SULLIVAN.

[Continued.]

- 19,476. Have you a son?—I have.
 19,477. Can he write?—He can.
 19,478. Had he anything to do with writing that threatening notice?—He had not, of course.
 19,479. That is, you believed he had not?—I do not believe he had.

Cross-examined by Mr. REID.

- 19,480. One question I should like to ask you, and that is this: You say you only paid part of your rent?—Yes.
 19,481. How much?—13*l*.
 19,482. Out of how much?—Out of 17*l*. 17*s*. 6*d*.; that is the gale.
 19,483. What was the reduction that the other tenants were asking at that time?—They were asking Griffith's valuation—about it.
 19,484. When you paid 13*l*., was that above Griffith's valuation, or was it Griffith's valuation?—No, it was less than it.
 19,485. Let us understand this. Therefore, when you paid part of your rent, you paid less than the other tenants were willing and desirous should be paid; is that so?—No; the tenants—
 19,486. Follow my question?
 (*The Attorney-General.*) Let him answer?—What question did you put to me?
 19,487. (*Mr. Reid.*) The question is, your other tenants were willing that Griffith's valuation should be paid; is that so?—In or about. They were asking for that.
 19,488. And you paid less than Griffith's valuation?—I did.
 19,489. How then do you attribute this outrage to the fact of your having paid rent? Do you think it was due to your having paid the rent?—I could not say, but it was in the notice.
 19,490. The notice is all you go by?—But I paid it all the time since.
 19,491. The only thing you go by as to the cause of this outrage is the notice that you received?—Just so.

Re-examined by the ATTORNEY-GENERAL.

- 19,492. Except paying the rent, had you done anything that you know of to offend anybody?—Never in my life. I was never in a place like this in my life before to-day.
 19,493. Have you got abatements from your rent from time to time?—Yes, I did.
 19,494. Were you satisfied with them?—I owed two or three rents to Lord Ventry besides that.
 19,495. You never took him into court?—Never, sir; I had no occasion.

Constable THOMAS KELLY, sworn, examined by Mr. MURPHY.

- 19,496. You are in the Irish Constabulary, I think?—Yes.
 19,497. Did you live in the house of Jeremiah Sullivan after this outrage?—Yes.
 19,498. When?—On the 4th of December.
 19,499. Did you see a threatening notice there on the door?—No.
 19,500. Did you get a threatening notice?—I did.
 19,501. Who gave it to you?—Mrs. Sullivan.
 19,502. What did you do with the original?
 (*Mr. Reid.*) We have admitted it.
 19,503. (*Mr. Murphy.*) Is the copy I have just read, a copy which was made by you? Perhaps you were not in court. Just look at that, and see whether that is a copy of the notice you got from Mrs. Sullivan?—Yes.
 (*Mr. Lockwood.*) We thought our admission would save this.
 (*Mr. Murphy.*) Mrs. Sullivan is here, if there is any question.
 (*The Attorney-General.*) We do not want to call anybody else, but there was a suggestion made that something was omitted.
 (*Mr. Lockwood.*) I did not mean to suggest any omission.

29 Nov. 1888.]

PATRICK MURPHY.

PATRICK MURPHY, sworn, examined by Mr. MURPHY.

- 19,504. In 1880 did you know Catherine Lenihan?—I did.
 19,505. Was she a tenant on the estate of Mr. Chute?—She was.
 19,506. Was she evicted?—She was.
 19,507. And did you take possession of her farm?—I did.
 19,508. On the night of the 15th of November in that same year, was your house visited by a party of men? Did some men come to your house on the night of the 15th of November of that same year?—They did.
 19,509. Were they disguised or not?—They were disguised.
 19,510. Did they knock at the door and say they were police?—They did.
 19,511. And wanted to come in?—Yes.
 19,512. You refused, I think, to open the door?—I did.
 19,513. What threat, if any, did they then make?—They said they would set fire to the house if I did not open the door.
 19,514. Did they break the door open or get into the kitchen, or what?—They broke the door open and got in.
 19,515. Did they fire any shots?—They did before they broke in the door.
 19,516. When they got in, did they seize you?—They did.
 19,517. And drag you about the yard, and strike you with a gun?—Yes.
 (Mr. Murphy.) I am leading as to the details of the outrage.
 19,518. Did they put you on your knees?—They did.
 19,519. Did they make you take some oath?—They did.
 19,520. What was that?—To give up the farm.
 19,521. What did you say?—I said, if got what I paid for it I would.
 19,522. What did they say to that?—They said they would get it for me.
 19,523. Did they then fire a shot at you?—They did.
 19,524. That, I think, missed you?—It did.
 19,525. Did they then cut off part of your ear with a knife?—They did.
 19,526. And threatened to crop you with shears?—Yes.
 19,527. Did you know any of them?—I know none of them.
 19,528. Did you afterwards find Mrs. Lenihan in possession of the house?—I did.
 19,529. Was there a man named Connor that was in that house?—Yes, he was a caretaker I had there.
 19,530. What had become of him? Was he in the house when you went back and found Mrs. Lenihan there?—He was not; he was put out of it.
 19,531. Was his furniture thrown outside?—It was.
 19,532. I think you took legal proceedings, and afterwards resided in the house, and had protection?—I did.
 19,533. In July 1882, were you, with two constables, going to Tralee upon a car?—I was.
 19,534. On your way home, did a man jump out from a wood close to the roadside?—He did.
 19,535. And fire at you, and then go back to the wood?—Yes.
 19,536. Was there a boy named Reidy with you?—There was three boys with me.
 19,537. Was there one of the name of Michael Reidy?—There was one of the name of Reidy, I think.
 19,538. Did the shot hit you?—It did not.
 19,539. Was Reidy hit?—There were three boys and myself in the car.
 19,540. Was one of the Reidy's hit? Was one of the boys hit?—I heard there was. I heard that.
 19,541. Were you boycotted after this, or before this? Did your men leave you?—I was not boycotted, only that I could get no men for a while to work for me.
 19,542. Could you get your horses shod without going a long distance?—I could not for a couple of years.
 19,543. Had you a man named Mooney that was working for you, or some such name, that worked for you at one time. I mean a man that left you?—I had a man of the name of Maurice Kane.
 19,544. Did he leave you?—He did, or he threatened to leave me.
 19,545. Were five head of cattle taken from your place?—There was.
 19,546. When was that?—I forget now.

29 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

19,547. Was it after you had been fired at when the Reidy's were on the car?—It was.

19,548. Did you find the hides of these cattle afterwards?—I did, part of them.

19,549. Were some of your sheep stolen?—There were four sheep stolen from me.

19,550. And their carcasses were found also, I believe?—I got a part of them too.

19,551. When Mrs. Lenihan was put into the house, or got into the house, and Connor had been turned out, did Father Murphy come to see you?—He did.

19,552. Was Father Murphy connected with the League in that part?—I could not tell you whether he was or not.

19,553. Have you never seen him going into the League? You know there was a League in your neighbourhood, was not there?—I know there was. I never saw him going in. He might have gone in unknown to me.

(*Mr. Murphy.*) I am not quite sure we have not already shown Father Murphy's connexion with the League, though I cannot at this moment put my finger on the evidence. I think we shall be able to show it. I propose to ask what was said by Father Murphy to him.

(*The President.*) I will take it conditionally. I will put it within brackets. If counsel assure me they think they are able to do it, I admit it. I will put it in brackets.

(*Mr. Murphy.*) I feel sure we have proved his connexion with the League, but I cannot put my finger on the evidence at this moment.

19,554. What did he say to you? Were you taking proceedings against Mrs. Lenihan at the time?—I summoned her at the petty sessions to get her out of possession; and the day the court was to be, he came to me and told me I should get what I paid for the farm, and not have anything more to do with it. I consented, and said, if I got what I paid for it, I would not have anything to do with it. He told me I would get the money.

19,555. Did you ever get the money?—I did not; not a penny. If I got half of it, I would take it; half of what I paid.

19,556. Before these outrages upon you, what terms were you on with your neighbours, before you took this farm?—I was not on any great terms with my neighbours.

19,557. You were not what?—I was not on any good terms with some of my neighbours.

19,558. Had you done* something wrong to them?—I never did. I never did anything wrong with them.

19,559. Where did Father Murphy live?—He lived in Castleisland, in county Kerry.

19,560. You live close to Castleisland?—I do; within a couple of Irish miles of it.

Cross-examined by Mr. R. T. REID.

19,561. I suppose you reported all these outrages to the police?—I reported all these things to the police.

(*Mr. R. T. Reid.*) And I presume they all would appear in the police reports.

Cross-examined by Mr. LOCKWOOD.

19,562. Was Father Murphy your parish priest?—He was; he was the curate in the parish.

19,563. How long had he been there?—I declare I forget now how long he was there. He was there 12 months in any case before this time; and I could not tell you more than that.

19,564. Were the people in those parts in the habit of consulting the parish priest when they were in any difficulty or trouble. I mean with regard to their farms and so on?—I do not understand you.

19,565. I will try and make myself understood. You say Father Murphy called on you?—He did.

19,566. Was he in the habit of calling upon you?—Never before spoke a word to me.

29 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

19,567. Never spoke to you before?—Never spoke to me before till that day.

19,568. How long had he been there?—I cannot tell you. He was something about a twelvemonth in any case there. I will not swear to anything, but he was there before that.

19,569. Did you attend his chapel?—I did.

19,570. Did he live near you?—Within two Irish miles of me.

19,571. And you say you had never spoken to him before that day?—I do not recollect if I did. I do not recollect it if I did. There were more priests besides him in the chapel.

Cross-examined by Mr. ASQUITH.

19,572. Where do you live?—I live in Kerry, in the parish of Castleisland.

19,573. Near the town?—Within a couple of miles of it.

Cross-examined by Mr. DAVITT.

19,574. Was Mrs. Lenihan a widow?—She was.

19,575. How many children had she?—I am not sure of that either; she had six or seven.

19,576. Had she any other farm but this one out of which she was evicted?—No, that is all.

19,577. Then eviction to her would mean something very serious?—She would either have to go into the workhouse, I suppose, or to live upon the charity of friends, after eviction?—That is my opinion.

19,578. You had a farm of your own?—I had.

19,579. When you grabbed this one?—I had; it was adjoining this.

19,580. Then you were not under any actual necessity to take this second farm?—I did not want it at all. I will tell you the truth; but I had the other side of it, and the landlord of the place said that he would put me out of this side I had when my term was up if I did not take the other to make one lot of it.

19,581. Then it was the landlord who induced you to take the second farm?—The agent.

19,582. Who is his agent?—Mr. Hodden was his name.

19,583. Has the widow Lenihan any sons?—She had.

19,584. About what age would they be? They would be men, I suppose?—I think the eldest is something about 20 years.

19,585. Then they would, very naturally, resent your taking their mother's farm?—There was a lot of them taking the farms in those times, for there was no agitation or anything. I saw every man taking land at the same time that another one had given up. When I took it, she gave me a shake of the hand, and said she was glad I had taken it.

19,586. Did her sons come and thank you for taking their mother's farm?—They did not say anything at all to me. No, they did not.

19,587. Has Mrs. Lenihan a good number of friends and relatives in that locality?—She has, in fact.

19,588. She has a strong faction?—She had, in fact: she had.

19,589. And these friends would resent your taking the farm over her head?—I am not sure whether they would or not.

19,590. Anyhow, it would not make them more kindly towards you?—Indeed, and it would not; that is the truth; that is the truth, Sir.

Re-examined by the ATTORNEY-GENERAL.

19,591. How long had the land been vacant before you took it. How long had Mrs. Lenihan been out of it?—The same day she was put out of possession I got the possession.

19,592. You say she shook hands with you, and said she was glad you had it?—She did, and she was glad it was not her brother-in-law, his name was John Lenihan.

19,593. And was there any ill-feeling between you and Mrs. Lenihan. Was she at all angry with you?—No, we were not the best of friends always. We were not the best of friends at all.

29 Nov. 1888.]

PATRICK MURPHY.

[Continued.]

19,594. There is one answer as to which I am not sure it was heard. You said other people were taking farms when they had been evicted?—There was. Every man at the same time was taking farms—everyone.

(Mr. Lockwood.) He mentioned a brother-in-law. The Attorney did not hear him.

(The President.) What did you say about the brother-in-law? Either of you can follow it up.

19,595. (Mr. Lockwood.) You mentioned a brother-in-law of Mrs. Lenihan?—The day I got the possession she shook hands with me, and said she was glad I had it, and that it was not her brother-in-law. He was watching it, she said, for the last five years.

19,596. He wanted it?—Yes, and she was watching him, and now she was glad he had not it, and that I had it.

19,597. Where did the brother-in-law live?—He lived within 400 or 500 yards of the house.

19,598. And he had been after it for five years, do you say?—She said it to me. He was watching for it for five years before that.

(The Attorney-General.) With reference to the fact of the presidentship of Mr. Murphy I call attention to the "Kerry Sentinel" of the 26th of April 1881. It happens to be connected with the next case.

(The extract was put in and read, as follows):—

"Castleisland Land League,

(From Our Correspondent.)

"A special meeting of this branch of the Irish National Land League was held on Sunday in their rooms to consider the attack made by some bailiffs—bum bailiffs and law messenger—on their late respected President, Rev. A. Murphy, C.C., the particulars of which have appeared in the 'Sentinel.'

"The chair was taken by Rev. D. M'Gillicuddy, C.C., President.

"Amongst those present were:—Messrs. John Roche, Jeremiah Roche, H. W. Knight, P.L.G., Rev. T. O'Callaghan, C.C., T. Horan, T. Moore, J. K. O'Connor, M. Murphy, Kerry; J. O'Connor, D. T. Coffey, J. T. Riordan, &c.

"After the usual business of the meeting having been gone through, the following resolution was passed unanimously:—'Resolved, that we condemn in the strongest terms the conduct of those who, by affidavit, trumped up against Rev. A. Murphy, C.C. a charge which has been proved in open court to be false, namely, that Father Murphy tried to bribe M'Auliffe, a process server, not to serve ejectments. I understand the matter will be discussed at a further meeting of the League, with a view of passing a stronger resolution condemning the conduct of the bailiff, bum-bailiff, and 'law messenger.'"

JOHN MCAULIFF sworn, examined by Mr. RONAN.

19,599. Have you a brother named Michael?—I have.

19,600. Was he a process server in the year 1881?—He is a process server.

19,601. Did you help him in serving some writs and processes on Mr. Herbert's estate in the year 1881?—No; I did not on Mr. Herbert's estate.

19,602. What estate was it?—Mr. Meredith's.

19,603. Up to 1879, before the Land League time, were you and your brother on good terms with the people?—We were.

19,604. Was there anything ever done to you?—Never.

19,605. When you went to serve a process, had you to be protected by the police?—No.

19,606. Do you remember a morning in the summer of 1881, when your brother's house was attacked?—I do.

19,607. Were you sleeping in your brother's house that night?—I was.

19,608. Did a party come to the house?—There did.

19,609. How did they get in?—Through breaking the door and the windows.

19,610. When they broke in the door, did any of them say anything?—They asked for Michael McAuliffe, the rogue of a bailiff.

19,611. They asked was he there?—Yes.

19,612. What did they do then?—They began to fire shots then and break in, and me and my brother got out of bed, and they began to fire shots.

29 Nov. 1888.]

JOHN MCAULIFF.

[Continued.]

9,613. Did one of the shots hit you in the arm?—It did.

19,614. And the arm had to be taken off then?—Indeed it had. I was an invalid under the care of the doctor in the infirmary, and I was there 14 weeks myself, and my brother and sister.

19,615. Was your brother hurt?—He was. He was under the care of the doctor.

19,616. Was your sister hurt?—Her head was cut, and had to be stitched by the doctor.

19,617. Except the processes, had the people anything against you or your brother?—Not a ha'porth since I was born.

19,618. After this were the people as friendly with you as they were before, when you came back from the hospital?—They were not altogether too friendly.

Cross-examined by Mr. LOCKWOOD.

19,619. How long had you acted as a process server?—Is it me?

19,620. Yes, you?—I never served a process; it was my brother.

19,621. Was it your brother who was the process server?—Yes.

19,622. How long had he been acting as process server?—12 or 14 years; it may be 12 or 13.

19,623. Had you assisted him?—No, except I conveyed him.

19,624. Do you mean to say you drove him to the place he had to go to, or what? I do not understand what you mean. Do you mean you went with him to serve the processes?—I used to assist him when he was tired, and carry him with the gennet.

19,625. If he was tired you used your gennet to take him to serve the process?—Just so.

19,626. Had your brother had some law disputes of his own in that neighbourhood?—Not to my knowledge.

19,627. Had you?—A dispute at law with anyone?

19,628. Yes?—No, never.

19,629. With your neighbours?—No.

19,630. Had you any land?—No, only about three-quarters of an acre of land, we have.

19,631. The name of this place where this occurred was Currow, was it not? What is the name of the place?—Doolaig.

19,632. What parish is that in?—The parish of Currow.

19,633. That is the name I wanted to put to you. Do you know the parish priest who was there at that time, Father Scollard?—No.

19,634. Was he the curate?—He was the curate, and Father Lynch was the parish priest.

19,635. Did you attend the chapel at Currow?—Yes, of course I did always.

19,636. Did you attend the chapel on the Sunday following this outrage upon you?—How could I?

19,637. You were not there yourself?—No.

(Mr. Lockwood.) I wish to read at this point from the "Kerry Sentinel" the observations that were made upon this outrage by the gentleman whose name I have mentioned. Father Scollard.

(The President.) Yes.

(Mr. Lockwood.) This is in the "Kerry Sentinel" for Friday the 1st of July 1881. There is first of all an account of the outrage, which is headed, "Fearful Outrage near Castleisland," and then comes an account of it, which I will read if my friend wishes, but it seems merely to be a repetition of the circumstances as detailed by this witness. Then comes another account.

(The extract was put in and read, as follows):—

"On Tuesday night about 20 men attacked the house of one M'Auliffe, a bailiff. Shots were fired, and one of them broke and lacerated the arm of the bailiff's brother. Some money was taken out of the house."

19,638. Is that so. Was some money taken out of the house?—There was.

"At an early hour the police, under command of Sub-inspector Davis, Castleisland, surrounded the house. Three men, named T. Brosnan, Hugh Connor, and Herlihy, were arrested on suspicion. The patient was attended by Drs. Griffin

29 Nov. 1888.]

JOHN McAULIFF.

[Continued.]

and Brosnan, also by the Rev. P. Scollard, who, afterwards at mass, denounced the outrage. He said he was sure everyone of the congregation was sorry that such a crime occurred in their midst. He believed that no parishioner was implicated in it. He had reason to believe that from the spirit of piety he saw amongst them. On that morning he had the happiness of giving Holy Communion to more than a hundred people. That said a great deal for the religion of the parish. Having dwelt at some length on the evils of outrages to person and property, to the soul and body of the offender, as well as to the evil-doer himself, and the obligation of making restitution, he said those crimes burn public opinion against us, and alienate the sympathy of other nations. He said that those who committed the outrage may be land leaguers, but if so, they did it on their own responsibility, not on the responsibility of the Land League, as that body always discountenanced and condemned all such evil doings. He exhorted the parents to watch over their children; to see that they be home at the proper hour, and not to let them out at night. Finally, he exhorted the congregation to pray earnestly that God of His mercy may direct our rulers to give a good Land Bill—one which would fix the farmers firmly in the soil in order that friendly relations may be once more restored between landlord and tenant. He was sure the Irish people were a justice loving people. They wanted only honesty and fair play. They acted on the principle of 'live and let live.' He hoped that when real justice would be established between landlord and tenant that peace and harmony would be restored to this distracted country."

(*The Attorney-General.*) "Communicated."

(*Mr. Lockwood.*) Yes, "Communicated." You will see that is headed, "Another account."

19,639. (*The Attorney-General.*) Did you know the Rev. Mr. Scollard at all?—Yes.

Cross-examined by Mr. T. HARRINGTON.

19,640. You knew there were some disputes; was it between you and Father Murphy that the dispute was, or was it with your brother?—I had never had a dispute with Father Murphy.

19,641. Was not there some case in court between them?—I do not know anything of that. I know nothing of my brother's business.

19,642. Did you ever hear that your brother was dismissed by the barrister from serving processes, on account of stating that Father Murphy had wanted him not to serve them, and had told him not to?—I know he was dismissed.

19,643. Did you hear that he was dismissed because Father Murphy swore in court that he had never spoken to him?—I know nothing of that; I know nothing about my brother's business as to that.

19,644. I am not asking the occasion of that, but did you hear that?—I did hear it, of course.

Re-examined by the ATTORNEY-GENERAL.

19,645. You were just telling me, when Mr. Harrington interposed, that you knew this Rev. Mr. Scollard?—Yes.

19,646. Had Mr. Scollard anything to do with the Land League?—I know nothing of that.

19,647. You do not know that?—I do not, indeed.

(*The Attorney-General.*) I cannot promise your Lordships, I am afraid, that that is all the detail of the Kerry outrages, because there is a difficulty in getting the witnesses, but I hope I shall not have to trouble you at much greater length with detail, although I cannot absolutely promise that there is no other reference to it. I ought to mention that I have postponed Mr. Hussey until to-morrow, until my learned friend, Sir Charles Russell, is here.

(*Mr. Lockwood.*) He is away on public business.

(*The Attorney-General.*) I am aware of that, on a committee. I have now some other evidence from Kerry as to other parts of the county.

29 Nov. 1888.]

CHARLES GASTON CRANE.

Inspector CHARLES GASTON CRANE re-called, further examined by the
ATTORNEY-GENERAL.

- 19,648. You are a district inspector of the Royal Irish Constabulary?—Yes, I am.
- 19,649. Are you an Irishman?—No, I am an Englishman.
- 19,650. I think you graduated at the University of Oxford?—Yes.
- 19,651. When did you go to join the Royal Irish Constabulary force?—I joined the constabulary in June 1879, and I went to Dingle, my first station, in February.
- 19,652. Just take, if you do not mind, the places that you were at in order of date. You went to Dingle in February 1880, I think, until how long?—Until December 1881.
- 19,653. That is practically 18 months?—Nearly two years.
- 19,654. Where did you go then?—I then went to Listowel in December 1881, and I remained in Listowel until October 1882, and I then went to Killarney, and I am stationed at Killarney now.
- 19,655. Your three stations are Dingle, Listowel, and Killarney?—Yes.
- 19,656. Who was the principal landlord in the neighbourhood of Dingle?—Lord Ventry.
- 19,657. Was he, as a landlord, popular with the people or not?—When I went there he was extremely popular. I have always heard him spoken of in the very highest possible manner.
- 19,658. Dingle, if your Lordships have got a map of Kerry, you will find runs out to the west?—It is a peninsula that runs out to the north-west of Kerry.
- 19,659. Had he the reputation of a good landlord as far as his tenants were concerned?—I never heard a word against him the whole of my time in Kerry. I always heard him spoken of by the tenants as being a very good landlord.
- 19,660. You knew, I suppose, there had been distress in 1879?—Yes, I heard there had been distress in 1879.
- 19,661. Through the year 1880, what was the condition of the people from a distress point of view in your district?—In the Dingle district, there was a good deal of distress to the west of Dingle, but it was not so bad as was generally supposed, and not so bad as was represented.
- 19,662. In the east?—In the east it was rather better. In the east of that peninsula the condition of the people was rather better.
- 19,663. Was there any abnormal condition of crime in the early part of 1880?—There was no serious crime when I went to Dingle.
- 19,664. At what time did you notice any change in the character of the people, or in the nature of any resistance to law which you afterwards will speak to?—During the whole of 1880, I had no trouble at all: everything was as peaceful as possible in 1881—the beginning of 1881.
- 19,665. One moment, please, had you to carry out any evictions in the year 1880—I do not mean you—but were there any evictions in the year 1880?—I do not think I heard of any eviction in 1880.
- 19,666. If there were any, they did not require any police force?—No. Perhaps the patrol sergeant, the police patrol might go with one man, but I never heard of any eviction until 1881.
- 19,667. Kindly oblige me with the particulars about 1881?—At the beginning of 1881, they established the Land League in Dingle and Castle Gregory, which is one of the outlying stations about 15 miles away.
- 19,668. (*Mr. Lockwood.*) From where?—Fifteen miles from Dingle.
- 19,669. I thought you said Listowel?—It is one of the out-stations from Dingle.
- 19,670. (*The Attorney-General.*) Is it east or west?—It is to the north—the northern side of the peninsula.
- 19,671. Just to the west of Tralee Bay?—Just to the west of Tralee Bay.
- 19,672. They established a Land League there?—They established a Land League in Dingle, and held meetings.
- 19,673. What happened in 1881, with reference to evictions after the establishment of that Land League?—Shortly after that I went for the first time with a party of constabulary to protect the bailiffs carrying out an eviction at a place called Lispolse—seven miles from Dingle.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,674. Do you know who was there doing anything with the people or encouraging the people to resistance?—There was nobody at that time encouraging resistance, but the people were all massed and assembled there.

19,675. Was there anybody connected with the Land League there?—Not at that time; not at that eviction. Previous to that eviction, there was a meeting held in Dingle—let me get the date—the first eviction I mentioned there, was on the 13th June 1881, and previous to that there had been a National League meeting, a Land League meeting at Dingle on the 20th February 1881, and on the 26th May 1881.

19,676. Do not tell us anything unless you know of your own knowledge who were present at that Land League meeting?—There was a man named Boyton came down.

19,677. (*Mr. Lockwood.*) Was he at the meeting?—Yes.

19,678. Were you?—I was at the meeting.

19,679. (*The Attorney-General.*) Boyton was there?—Yes.

19,680. Did you know Boyton?—I knew him when he was speaking.

19,681. Did you know where he came from?—I heard he came from Dublin.

19,682. My desire is not to get anything from you, if you do not know of your own knowledge. It was not a person in the neighbourhood; not a local man?—Oh, no. I think also one of the Mr. Harrington's was there.

19,683. Do you remember which?—I think it was Mr. Timothy Harrington.

19,684. At one of the meetings, Boyton was there; a stranger to the district. Did you yourself take any note of the speeches?—No.

19,685. I do not suppose, then, you can tell us anything about them?—No, I can hardly remember at this length of time. I did not take any note of them myself.

19,686. Was it the February meeting, Boyton was there?—Yes, I think it was February.

19,687. Can you give us the date of the other?—I think it was the 26th May.

19,688. What happened with regard to the evictions after that?—At this eviction near Lispolie's there was a great deal of resistance. The house was barricaded, and the people threw all sorts of things over the bailiffs, and also threatened them with pitch forks when they went near the house, and kept on putting out pitch forks and trying to hit the bailiffs with them.

19,689. Was there a man named Kellher in that district?—Yes.

19,690. Did you know his Christian name?—No. I think it was Francis Kellher.

19,691. Did you know whether he had anything to do with the Land League?—I think he was the secretary of the branch when I was there.

19,692. Did you see him at any of the evictions?—I was at an eviction at his house. He was going to be evicted himself by Lord Ventry on the 1st September 1881, but, I think, he settled he settled at the time. There were a number of evictions on that same day. The people said they would not pay, and when the sheriff went round they all paid up.

19,693. Did you see Kellher at any of the evictions where you had the police to protect the sheriff?—No, except that I was there with 40 men on that occasion.

19,694. Was there a bailiff there?—Moriarty was the bailiff.

19,695. A bailiff named Moriarty?—He was bailiff in that district.

19,696. Was he under police protection?—After this eviction he was under police protection.

19,697. For how long?—During the whole time I was in the district, up to December 1881.

19,698. How long previously had he been bailiff?—He was the bailiff, I think it was for Mr. Hussey, as long as I remember Dingle.

19,699. It was not a new one, but a man who had been a bailiff a long time?—No, I think not. He had been a bailiff a long time.

19,700. When you first went into the neighbourhood, was it necessary to give Moriarty any protection?—No, none at all.

19,701. In your opinion was that protection necessary for Moriarty?—Absolutely necessary. He was threatened on several occasions.

19,702. I do not know whether you yourself saw any threatening notices upon him of any kind?—I saw one of the threatening notices that were handed to me in the

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

ordinary course. I have not them here. At one time there a little wooden coffin hung up opposite his door; that was after this eviction.

19,703. Now, speaking of the ordinary crime in the year 1880, had you any difficulty in obtaining evidence of any offences that were committed in the year 1880?—I think there were so very few offences committed in that district.

19,704. Did you have to go to a place called Dingyon?—Dimquin.

19,705. To make some inquiry about the distress yourself?—Yes, I did.

19,706. I only want to take this very shortly; you made such inquiries as you could, as to the existence of the distress of the district?—I did.

19,707. Do you think the reports of the distress were true reports, or was it less than was stated, or was it exaggerated?—I went down in consequence of the very exaggerated report that appeared in, I think, one of the Dublin papers; it was in consequence of that, that I was sent down to see if it was really true, and I found it was very much exaggerated.

19,708. Now I will take you to Listowel. We have to come back to Dingle afterwards, in order of date. You went, I think, to Listowel, you told us, in December 1881?—December 1881; yes.

19,709. What condition was Listowel in when you went to it?—It was very disturbed indeed. The chief duty during the whole of the first Monday was going out to try and prevent these Land League hunts—what they called Land League hunts.

19,710. Perhaps I ought to ask you the question, had you had to increase the police force at Dingle during the year 1881?—Yes.

19,711. In what proportion to what it was when you went there, how many?—When I went there I think there were 30 men in the whole district, and when I left, I think there were 40 or 45. I know there were several erection posts, and these were increased, in consequence of the condition of the district.

19,712. At Listowel you found a very disturbed condition?—Yes.

19,713. I probably may take this without objection. Do you know, as a matter of fact, whether the police force at Listowel had had to be increased before you went there?—I believe it had.

19,714. Are you able to say in what proportion?—No, I am not.

19,715. During the time you were at Listowel, were there many outrages?—Yes, a great many.

19,716. What character of outrages?—Raids for arms, and raids for money, and intimidation by threatening letters; and there was a man named Costello shot.

19,717. I will come to one or two outrage cases directly?—And two or three riots.

19,718. Anything to do with cattle?—I do not remember.

19,719. Anything to cattle, do you remember?—I could not remember that.

19,720. What meetings where there in the Listowel district during your time?—There was a meeting held on the 2nd July 1882.

19,721. Who were present at that?—Mr. Timothy Harrington and Mrs. Moore.

19,722. Was Mr. Edward Harrington present?—Yes, he was.

19,723. Both the Mr. Harrington's?—Yes, both of them.

19,724. Do you know in what representative capacity Mrs. Moore was there?—I heard she was a member of the Ladies Land League.

19,725. As far as you know, she appeared at the meeting as a member of the Ladies Land League?—Yes, I believe she was a member of the Ladies Land League.

19,726. Did the condition of the district improve after that?—No, it did not. That meeting was dispersed; it was after the Land League was proclaimed.

19,727. That meeting was dispersed?—Yes.

19,728. And on that occasion I think there was a considerable riot?—Yes a great riot in the town, and fight.

19,729. Was there any special outrage in the Listowel district, which occurred during your time, which you had to investigate?—There was the shooting of Costello.

19,730. About when?—I think it was in March 1882.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,731. What, as far as you were able to investigate, was the alleged cause of the outrage on Costello?—As far as I could find out, in the discharge of my duty, it was in consequence of his paying his rent.

19,732. At any rate, could you trace any other cause than that?—I could not trace any other cause than that.

19,733. Leahy, was that at Listowel?—No, that happened in Killarney, before I took charge of the district.

19,734. Was there any other case in Listowel?—There were a lot of other outrages. I have not got the Listowel book here.

19,735. What I should like to get, is whether you can tell us generally of any other outrages which you investigated, and the causes, so far as you could find them, which you trace as being the occasion or the reason of the outrages?—There were numerous raids, which I always found following these meetings of the League; raids for arms, and raids for money.

19,736. Now, please, I will take you to Killarney. Before I go to Killarney, I may interpose a question here, Mr. Crane, so as to avoid getting out of order of time. Did you find, speaking of Dingle, any secret society there?—No I never found it in Dingle. The Dingle district was a wonderfully quiet district; they were a very quiet people. I think there was only one case of outrage to the west of Dingle, that is at Dunquin.

19,737. Did you find that the outrages did occur in the poorest part, or not?—No, I always found them to occur in the more prosperous part. The poorest people in Kerry, where you go to the extreme west among the Celtic population, were always wonderfully quiet; at least they were in my time.

19,738. Therefore you do not find that those outrages do coincide with the extreme poorness of the population?—My experience has always been to the contrary.

19,739. With regard to Listowel, was there any secret society there?—In Listowel, the only secret society that I knew of was the society of the Moonlighters.

19,740. Was that, as far as you could gather, dependent, or how was it in connexion with the Land League?—All through Kerry I always found that, wherever you have a local branch of the National League, which is active in working, that you always have there a branch of moonlighters, and that is the only secret society I know in Kerry. For instance, to the north of Killarney, they go by the name of the Boaderag Boys, a secret society of moonlighters, which in that part of the country are called the Red Road Boys.

19,741. What I wanted to ask was, have you found either in Dingle or Listowel, any moonlighting society where there was no Land League branch?—I have not heard of any.

19,742. Or found any?—No.

19,743. Now you went to Killarney; about when did you go?—I went to Killarney on the 30th October 1882.

19,744. And have been there ever since?—Yes, I have been there ever since.

19,745. What was the condition of Killarney when you got there?—It was disturbed.

19,746. Had the police been increased in Killarney?—Yes.

19,747. How much?—Well I cannot tell you what the normal state of it was, it was so very varying; sometimes I had 170 men, sometimes I had 160, and sometimes I had 140, just as they could be spared.

19,748. You do not know what the previous staff had been?—No, I do not.

19,749. What was the character of the offences that you found in Killarney during the time you were first there?—In the first part of my time they were chiefly raids and threatening letters, threatening notices, and intimidation of various kinds.

19,750. I believe you investigated many yourself?—Yes, I did nearly all.

19,751. What did you find to be, speaking of the majority of instances, the cause to which you could trace these cases of outrage, intimidation, or whatever they were?—A great many of them were in consequence of people working on evicted farms, and taking land and evicting persons, and then there were a lot of cases of maiming cattle, and I think a lot of cattle killing, cattle which were stocking evicted farms.

19,752. Stock grazing on evicted farms?—Yes.

19,753. Was there any other organization or society teaching non-payment of rent,

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

or taking evicted farms, excepting the Land League and the National League?—I never heard of any.

19,754. Just give us the number of cases from the time you went to Killarney?

(Mr. Lockwood.) What is that from?

[The witness was referring to a paper.]

(The Witness.) These are notes from the Outrage Book, and the Outrage Book is here.

(Mr. Lockwood.) That is the book we have had already put in.

(The Attorney-General.) No, not Killarney, it is the corresponding book to Castleisland.

(The Witness.) This is verified from the book; I can give you the numbers.

(Mr. Lockwood.) Can I have the book?

(The Attorney-General.) You shall have it in a moment.

(The Witness.) In the year 1883 there were 53 outrages in the Killarney district; in the year 1884 there were 39; in the year 1885 there were 68; in the year 1886 there were 80; in the year 1887 there were 54, and I have got now also the number for 1882, but I only came there in October 1882; there were 66 in 1882, and 70 in 1881.

19,755. You have not got the earlier years, I suppose; we can get that from another witness?—I have the year 1879, there were 19 in that year, and there were 50 in 1880.

[The book was handed to Mr. Lockwood.]

19,756. Speaking of being unable to trace these outrages, or the cause of them were you able to obtain evidence?—In some cases when I got private information, I was able to get the right persons, but speaking generally, I was never able to get any information whatever.

19,757. In what percentages of the cases do you think that required to bring the defendants to justice, were you able to get any information?—I do not think there were more than 10 or 12 cases of conviction, or not more than 20 cases of conviction certainly during the six years I have been there.

19,758. To what do you attribute the difficulty of getting evidence in these cases which you were investigating yourself?—The terrorism in the district, the fear of being seen speaking to a policeman, for the greater part of the time I was there, absolutely stopped the getting of evidence.

19,759. I want to ask you distinctly, in your opinion, was it sympathy with crime, or terrorism, in your judgment, that prevented this evidence being got?—Terrorism, decidedly.

19,760. Have you any doubt about it?—Not the slightest.

19,761. I notice in passing, it fell in 1884 to 39, and it was again in 1885 up to 70; do you know of any cause with reference to the detection of crime, which would render crime more capable of detection, or less liable to occur in 1884?—In 1883 and 1884, there was what is called the "1882 Coercion Act" in force.

19,762. Will you first refer to any particular outrages which came under your notice in Killarney—there was Curtin?—First of all there was the shooting of a man called Breen, before Breen; there was a man called Joseph O'Sullivan shot in the back.

19,763. About when?—That was in May 1883, he was a bog-ranger for Lord Kenmare.

19,764. What was the cause as far as that was concerned?—Simply that he was a bog-ranger, as far as I know, or as far as I could ever ascertain.

19,765. (Mr. Lockwood.) What was the date of that?—That was in May 1883, you will find it the 27th May 1883.

19,766. (The Attorney-General.) Was there any other one?—Then there was the shooting of a man called Breen, that was out at a place called Crockmore, about 15 miles from Killarney.

19,767. What was he?—He was a bog-ranger of a Mrs. Bland.

(Mr. Lockwood.) We have had that, my Lords.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

(*The Attorney-General.*) I am perfectly aware of that, but I wish to ask this gentleman's opinion with reference to the cases that came under his notice.

(*Mr. Lockwood.*) We have had the case before.

(*The Attorney-General.*) We have not had Mr. Crane's evidence on the matter.

19,768. What was the cause, his being a bog ranger, do you say?—The only cause I could find out was that he was suspected of sending a cow to graze on an evicted farm.

(*Mr. Lockwood.*) Surely, in this case we have had all the details of the case proved, and all the surrounding circumstances of the case proved. Is not this gentleman usurping somewhat that which might possibly be the duty of the Court with regard to this.

(*The President.*) I cannot tell until he is asked what he has to add.

(*Mr. Lockwood.*) If he is going to add an additional fact or detail connected with the outrage, that is another thing, but I gathered when I intimated to the Attorney-General that this case had been gone into before, that the object of this evidence was to ascertain this gentleman's views.

(*The Attorney-General.*) I will say at once I do not propose, whenever I can avoid it, to go into the details of a case already proved; but I do think that it is of importance having a responsible person there, who himself has investigated these things to ask him this question, the case on my friend's part being that some other cause is suggested.

(*The President.*) You can put it in a form in which you would be quite within your rights; he could find no other cause.

(*The Attorney-General.*) That is my point.

19,769. The other case that you investigated, you mentioned, Breen?—Then there were various threatening letters to a Mr. Orpin, and threatening letters to a man called Raherty; that was during 1883 and 1884. There were only those two serious crimes in 1883 and 1884, the ones I have mentioned, but in 1885 the crimes became more serious. On the 13th of November 1885 there was the murder of Curtin at Castle Farm.

19,770. So far as you were able to find out cases of threatening letters, in the case of Orpin and Raherty, what was it?—The case of Mr. Orpin getting threatening letters was in consequence of his, in 1883, being about to evict a man called Williams, and in 1884, because he had evicted a man called Williams.

19,771. And Raherty's case?—Raherty's case was because he was a caretaker on an evicted farm. I went to see Raherty's house in 1884; it was burnt down. I went to visit it as soon as I got the intelligence. In 1885, on the 13th of November, Curtin was shot.

19,772. That is what we know as the Curtin case?—The Curtin case.

19,773. You were, I think, in charge of the police yourself?—I was in charge of the whole of the police of the district.

19,774. The boycotting of the Curtin family came under your personal cognizance, I think?—Yes, it did.

19,775. Was application made to you for protection for the Curtin family?—Yes, by Mrs. Curtin; and we had to protect them to chapel with 40 men on one occasion.

19,776. Give us the next offence of importance in the Killarney district?—On the night of the 1st of December the house of William Williams, of Bristowfield, was attacked; he worked for Mr. Orpin on an evicted farm at Bristowfield.

19,777. Have you found any cause for that except his working for Mr. Orpin?—No, none at all.

19,778. Have not you missed one, the murder of Raherty?—No, I am coming to that. On the 13th of December 1885, this Raherty, caretaker on an evicted farm, was murdered in broad daylight about a quarter of a mile from Killarney, on the public road. On the 27th of February 1886, a man called Randall McSweeney was shot at Tierbit, because he refused to give up his gun.

19,779. What was this man McSweeney doing?—He was merely a farmer. Two men came into his house and demanded his gun. On the 6th of June 1886 an attempt was made to blow up the house of Arthur Gloster.

19,780. That we have proved. Did you yourself examine Gloster's case?—Yes, I did.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,781. We heard something suggested about it being very extraordinary and all that. What I wanted to ask you was, what was your opinion, was that an attempt to blow up his house, or not?—Yes. When I went there they pointed out to me exactly the circumstances of the case. Twenty yards from the house there was a large hole in the ground, where evidently dynamite had been put; they said it was dynamite afterwards.

(*Mr. Lockwood.*) I object to this.

19,782. (*The Attorney-General.*) Do you know yourself whether dynamite does produce holes downwards, or not?—Yes, I have always heard that it does. The gable end of Gloster's house was facing a sort of bank, and on the other side of that bank opposite the window of Gloster's bedroom, there was a rifle found, and a pair of shoes; and a revolver close to the place where the explosion took place, and also a hat.

19,783. You have no doubt that it was a deliberate attempt to blow up his house?—Certainly.

19,784. Ryan, did you mention that?—On the 5th of June 1886, I visited a man called Michael Tanguay, he was dead at the time. I was away when he was shot; he had a shot in his leg.

19,785. What was he?—Well, he had been bog ranger of Mr. Goey of Limerick; he had given up a bog; then he was suspected of letting this bog again, that is all we could find out about it.

19,786. If you will refer to cases in particular, I do not want to take more outrages from you at the present time. Did you know a man named Patrick Ryan?—Yes, I did.

19,787. What was he?—He was Secretary of the National League at Ballyduff.

19,788. I have not asked you what branches of the National League or the Land League there were in Killarney?—There was the Killarney branch, the Fines branch, the Ballagha, Rathmore, Glenflesh, Ballyduff. I think that was all in the Killarney district. There was one at Currow, but it ceased to exist at the end of 1886 or 1887.

19,789. Did anything happen about Patrick Ryan?—Yes, he was arrested on several occasions; he was arrested for the murder of a man called M'Carthy last June.

19,790. I do not know whether he has ever been brought to trial, or not?—No, he was never brought to trial.

19,791. I would like to ask you now, did you know in any of these cases of any notice or resolution of the National League being passed. I do not mean by being present at the meeting, either by notices in the paper or it being brought to your knowledge in any other way?—Notice in "United Ireland" I think on the 26th January 1886—I think that was the date—calling upon the people.

(*Mr. Lockwood.*) Let us have the notice.

(*The Attorney-General.*) I have not it at the present moment. I will just get the date at present.

(*The Witness.*) Calling on the people to boycott a man called Williams.

(*Mr. Lockwood.*) My Lords, I object at present.

19,792. (*The Attorney-General.*) You refer to a notice in "United Ireland." I want to get the date?—At Ballyduff, on the 26th of January 1886.

19,793. Was there any other notice in any other paper?—There was "United Ireland" of February 1888.

19,794. In any of the local papers?—I cannot get the dates, but I have frequently seen notices of the proceedings of this branch of the League condemning Williams and Orpin.

19,795. What paper?—I have frequently seen them in "United Ireland." I cannot give the dates of those.

19,796. Have any threatening notices been brought to you?—There was a threatening notice after that notice in "United Ireland" brought to me on the 27th of January 1886.

19,797. Have you got it?—I handed it in the other day; it was handed to me in the ordinary course.

19,798. Any others?—I have had frequently threatening notices and letters brought to me.

19,799. A considerable number of them?—A considerable number of them.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,800. Do you know a man named Michael Warren?—Yes, I do.

19,801. Had he anything to do with any branch of the League?—He was secretary to the Killarney branch of the League.

19,802. Do you know who is secretary of the Firies branch?—I think it was either McMahon, or a man called Jeremiah Leahy, either secretary or treasurer; I do not know which.

19,803. Did you search McMahon's house?—I did.

19,804. Did you find a letter?—I did.

19,805. What did you do with it?—I handed it in the other day.

19,806. That was a letter from Jeremiah Leahy?—That was a letter from Jeremiah Leahy to McMahon.

19,807. With regard to this part of Kerry, say exactly what in your judgment you believe, or what you have ascertained, if anything, as to the existence of any secret society in that part of Kerry?—In this part of Kerry, in the Killarney district, I always found that wherever there was an active branch of the Irish National League there was always a branch of the Moonlighters.

19,808. Did you ever find any evidence of any secret organization in places where there was not a branch of the Land League?—No, I did not.

19,809. You gave some special name for some particular branch. I wish to have your evidence about that?—It was only a local name, some people who used to live at a place called Crockmore, where the country is all red sandstone, the Boaderay Boys or the Red Road Boys they were called.

19,810. With reference to these outrages, did you know the Land Leaguers by name or reputation?—Yes, I did.

19,811. Did any of the Land Leaguers ever come to offer to assist you in trying to find out the Moonlighters, or anything of that kind?—Never.

19,812. Did you ever get the slightest assistance from the Land League organisation in detecting crime, or anything of that kind?—No, never.

19,813. I am not sure that you have answered about this part of Kerry, and, therefore, I had better ask you; was there intimidation in that part of Kerry?—Yes, a great deal of intimidation.

19,814. Does your answer you gave previously to me as to the difficulty of obtaining evidence of the causes of the crimes apply to this part of Kerry?—Yes.

19,815. Did you happen to have to go on duty to Dingle again, think in the year 1887?—Yes, I went down with a party of 100 men to protect the sheriff in carrying out evictions on Lord Cork's property.

19,816. What do you say as to the condition of Dingle when you went back there in 1887, as compared with what it was when you first went in 1880?—It had completely changed; the people, who used to be the quietest people I ever met, had quite changed, and the place was very disturbed, and there was a lot of boycotting going on, and we found the roads cut up in front of us.

19,817. Had there been any boycotting in 1880, when you went there first?—Not a bit. I never heard of it.

19,818. Was there much boycotting in the Killarney district during those last few years?—Yes, there was.

19,819. What kind of boycotting?—The Curtins were boycotted. They would not shoe the horses, and we had to get down the constabulary farrier.

19,820. I do not want to go into particulars. Just tell my Lords the kind of boycotting that went on there?—After the conviction of the men who were on a moonlight raid, where a man called Murphy was shot in the beginning of 1887, they boycotted the National School, for a short time, where the son of that man was going to.

19,821. Where the son of the man who had been murdered was going to?—Yes.

19,822. You are not, I think, able from personal knowledge to speak of the comparison before 1879 or 1880, because you did not join the force before that time?—No, I was not in Ireland; I did not know anything about it.

(*The Attorney-General.*) My Lord, my friend has the Killarney book, I would just like to look through the list, and if there is anything I want to supplement I will do it afterwards.

(*An extract from the book was handed to the Attorney-General by the Witness.*)

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

Cross-examined by Mr. LOCKWOOD.

19,823. Do I understand you, your first visit to Ireland was when you went to join the constabulary at the end of 1879?—In June 1879; yes, that was the first time I ever was in Ireland.

19,824. You had no knowledge of the country, or any connexion with it, before that?—None whatever.

19,825. Did you at once join the constabulary force?—When I went over to Ireland?

19,826. Yes, when you went over?—Yes, I went over for the purpose of joining the constabulary force.

19,827. Then may I take it your only experience of Ireland is in connexion with your police duties?—Well, of course I know a good deal privately about Ireland outside my police duties, where I have been stationed.

19,828. That which you have learnt during the time you have been actively engaged in the police?—Yes, exactly.

19,829. I am going to take you, if I can, in order of date. I will deal with Dingle first. I think you said that you attended an eviction in Lispole on the 13th of June 1881?—Yes, I think so.

19,830. Was that the first eviction you attended?—Yes, to the best of my memory it is the first eviction I was ever at.

19,831. Were things pretty quiet at this time in the district?—Yes, they were fairly quiet.

19,832. What force did you take to that eviction?—I think I had 15 men.

19,833. Of your own?—Constabulary, yes.

19,834. Then there were, I suppose, a considerable number of men employed to carry out the actual eviction?—I think there were only two bailiffs.

19,835. Whose house was it?—I forget the name; it was a townland called Cloncurry.

19,836. Was it Mrs. O'Flaherty?—I am not certain. I think it was.

19,837. Mrs. Morgan O'Flaherty?—I think it was. I could easily find out for you in a moment.

19,838. What means have you for finding it out?—I think Mr. Gray, the District Inspector of Dingle, would tell me at once. It was a townland called Cloncurry; there were very few houses in that townland, and I think O'Flaherty was the name.

19,839. You were the officer and 15 men?—I think it was 15; yes.

19,840. Armed men?—Some were armed and some were not.

19,841. Armed with rifles?—Yes.

19,842. Were there many people gathered together to witness that eviction?—Yes, there were a good many.

19,843. Did there seem to be at this time of which I am speaking, June 1881, a very strong feeling of sympathy existing with the person who was to be evicted?—No, I would not say a very strong feeling of sympathy. The immediate neighbours were there.

19,844. Were not the people there in hundreds?—No, not in hundreds; I should not think there were more than 100 people altogether there.

19,845. Did not the people by their conduct and demeanour demonstrate their sympathy with the people who were being evicted?—They did not show very much sympathy. There was a good deal of cheering going on, whenever the pitchfork came out of the window they cheered, and whenever they threw hot water over the bailiffs they cheered.

19,846. Well, that was not cheering for the bailiffs?—I do not think it was.

19,847. Was the door burst in?—No; after a while I went up to them and told them to desist, and said they ought not to go on in that sort of way as they rendered themselves liable to be prosecuted, and then they opened the door.

19,848. That is the account which you give of the first eviction you were present at in Ireland?—Yes.

19,849. In that district which you told me at that time was a quiet district?—Yes, up to 1881 very quiet indeed.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,850. I am speaking of this time in June 1881?—I could not tell you—between January or February and June there were a good many kinds of outrages, but I would not call it disturbed.

19,851. I have put it to you, I think if I am not mistaken, twice, whether at the time that eviction took place that part of the country was quiet?—Yes, it was; but if you take the whole Dingle district——

19,852. I am taking for the purpose of my question the district in which this eviction took place?—The district in which this eviction took place I am not aware that an outrage took place at all, except the threatening of that bailiff.

19,853. What bailiff do you refer to?—Moriarty.

19,854. You were in the district in September 1880?—Yes I was.

19,855. Do you remember the eviction in September 1880, of a man named Kennedy—I daresay you may remember the incident when I remind you that his house was burned down?—I do not remember that.

19,856. Do you remember the incident of Kennedy being evicted?—No, I do not. If you bring it to my mind, I may probably recollect it then.

19,857. Have you not heard Moriarty was the man who fired Kennedy's house, employed by the authorities to do that?—No, I do not remember ever having heard that.

19,858. You never heard that before?—No, I do not think I did; I do not remember ever having heard that.

19,859. You are not prepared to deny that that was the case?—I am not prepared to swear it was, and I am not prepared to swear it was not. I never heard it.

19,860. It is very possible Moriarty may have been so engaged without your knowing?—Of course he might.

19,861. Now I think that is all the detail you gave us with regard to Dingle, and I take you now to Listow—

(*The Attorney-General.*) I have a Listowel book.

19,862. (*Mr. Lockwood.*) Listowel. You say you found that disturbed when you got there?—Yes, I did.

19,863. Raids for arms?—Yes, and that kind of things, and raids for money.

19,864. Have you sufficient experience of Ireland to answer me this: Have not raids for arms been a common form of outrage in Ireland for many years before 1879?—Well, I do not know.

19,865. Perhaps you never heard it?—I do not think I have.

19,866. Raids for money?—Yes.

19,867. You mean the breaking into a house and stealing the money?—No, these armed bands of moonlighters go round to different houses, and ask people to give them money, and intimidate them until they do give them money. They say, usually, "Give us money to the cause."

19,868. What we call robbery with violence?—We call it raids for money by levying contributions.

19,869. You call it raids for money?—Well, that is the term—raids for money.

19,870. The notices—that is the threatening notice—Have you sufficient knowledge to know, or sufficient knowledge of Ireland to know, that for long before 1879 threatening notices were constantly being posted in the district of which you have spoken?—I do not know it; not myself; no.

19,871. You have not heard it?—No, I have not. I know nothing of this district before 1879.

19,872. What proportion of the figures that you have given to my learned friend represents threatening notices?—I really do not know; I have not got it down. I can easily get it for you if you give me time.

19,873. You gave us from 1879.

(*The Attorney-General.*) What year do you want?

(*Mr. Lockwood.*) I want them all. I think those figures you gave us relate really only to the Killarney district. Now then, you have told us in connexion with Listowel——

(*The Attorney-General.*) Of course you know that a portion of the county is contained in the Parliamentary return.

19,174. (*Mr. Lockwood.*) Yes. I may take this from you now—that all the figures you have given us with regard to outrages in any district—all those figures—have been

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

supplied either by you or some person connected with the district in which you were stationed, have been furnished in Government returns?—Yes, I believe so.

(*Mr. Lockwood.*) That is, my Lord, they have been furnished as a whole, but not sub divided and parcelled out to the various districts. I think in some of the earlier returns that I have seen that there are separate returns given for various districts.

(*The President.*) I shall be much obliged if Counsel on the one side and on the other would be kind enough to refer us to the published returns that we may send for them.

(*The Attorney-General.*) Yes, my Lord, we will. Of course I may tell your Lordship that part of our evidence is putting together some of these calculations, and the conclusions to be drawn from these returns.

(*The President.*) In order that the Secretary of the Commission may get them, we shall be glad if either side will be kind enough to put down on paper such a reference as will enable us to get it.

(*Mr. Lockwood.*) In consultation with my friends we will furnish Mr. Cunynghame with the details.

19,875. All the figures of the outrages that you have given us are those that have been included in official returns laid from time to time before Parliament?—Yes, they are taken from the outrage book.

19,876. While I am on the subject of outrages, I want to refer you to other figures that you have given me which relate to Killarney?—The figures in Killarney. I have given you a number of outrages in 1879. Of course I cannot speak for them myself.

19,877. You have extracted them from the book?—In 1879 there were 19.

19,878. I was going on to put a question, not with regard to 1879, but to another year. You were in that district when the Coercion Act of 1882 came into operation?—No, I think it came into operation in the spring of 1882. I did not go until the autumn of 1882 to Killarney.

19,879. It came into operation, as I understand, about the middle of 1882?—Well, about July.

19,880. When did you get there?—I did not get there till the middle of October.

19,881. Of course you did not bring coercion with you?—No.

19,882. You found it there?—Yes.

19,883. Therefore it would be having its effect before you got there?—Yes.

19,884. Now let us follow this evidence. Perhaps it is more observation than question. It may properly be put to the witness, and it would probably be fair to the witness that I should put it to him. You began in 1879, 19 outrages?—Yes.

19,885. In 1880, 50?—Yes.

19,886. In 1881, 70?—Yes.

19,887. In 1882—according to you, about half that year coercion would be in force; 66?—Yes.

19,888. 1883, coercion for the whole year; you follow me?—Yes.

19,889. 53?—Yes.

19,890. In 1884, coercion still for the whole year, was it not?—Yes, it was.

19,891. 39?—Yes.

19,892. 1885, coercion?—Yes.

19,893. 1885, 68?—Yes.

19,894. How do you account for that?—Well, I account for it in this way: the demoralisation of the country in 1880 and 1881; you cannot cure a district in a couple of years.

19,895. Do you follow me? you had, if your theory is correct, driven the outrages down in 1884 to 39?—Yes.

19,896. The good work, as you call it, of coercion, had gone on from 1882 and 1883, and then still down, lower and lower, in 1884?—Yes.

19,897. How do you account then for 68 in 1885?—Because, if you will take the half of the year, there was no coercion.

19,898. What?—In 1885 you will find many of the cases occurred after the Coercion Act had lapsed.

19,899. I shall be glad to test that. You say that after September 1885?—Yes.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,900. That then the majority—do you mean the majority of the outrages occurred?—I mean to say the majority of the more serious kind of outrages.

19,901. Can you give me the numbers?—I cannot give you the numbers. I can if you give me the book, certainly. The more serious kind of crime was the half year of 1885.

19,902. The serious ones?—The very serious ones.

19,903. Then you have given what you consider the serious ones in the district during the time you were there?—Yes; and I say these serious ones occurred during the winter of 1885 and on to 1886, during the time there was no coercion.

19,904. Now, for instance, Tangney; that was in June 1886?—Yes, that was in June 1886.

19,905. And Murphy?—Murphy was in 1887, but in 1885 there was the murder of Curtin in November.

19,906. I was under the impression that was in 1885?

(*Mr. Justice A. L. Smith.*) The cases of Curtin, Williams, and Riley, which he has spoken to as great outrages, they were in November and December 1885.

(*Mr. Lockwood.*) I was under the impression it was then, because it was put down in June 1885. I see it is June 1886. Now tell me, with regard to the branches, the branches of the Land League you have given us, as being at various places—Killarney, Furies, Ballahan, and so on?—Yes.

19,907. Are you able to tell me the dates when these branches were established?—Of the Land League?

19,908. Yes?—No, I cannot; they were established before I got to the district.

19,909. You found them there?—Yes, I found them there, and the National League was established throughout the district in about 1885; some time then, I think.

19,910. Now, then, with regard to one matter, I want to ask you, was the Killorglin branch in that district?—No; well the Killorglin branch, the Land League might have been in that district, but the district was made smaller, I think it was in 1882.

19,911. You were at Killorglin, were you not?—No, I was not, because it was out of my district. Killorglin was made an officer's district in 1882.

19,912. How far is it from your district?—Ten miles.

19,913. Then you had some knowledge of it?—Very little. I had too much to do in my own district.

19,914. Had you any knowledge of it?—No, I had not. I do not think I was in Killorglin more than four or five times in my life.

19,915. Who will be able to tell us about that?—I think Mr. Morris.

19,916. Was he in a similar position in that district to the one you are in in your own?—Yes.

19,917. Is he here?—I do not see him.

19,918. Now, with regard to the statement you made. I think it was in reference to Listowel you said it, but I rather think you repeated it again with regard to another district, that there were raids after the meeting of the Land League?—Yes.

19,919. You made that general statement?—Yes.

19,920. Now, I ask you about Listowel, first. What meeting do you refer to in Listowel?—I only said one meeting in Listowel I was at, and that was the meeting on the 2nd July 1882.

19,921. Then what you have expressed with regard to the National League meetings have relation only to that meeting?—Only Killarney—chiefly to Killarney.

19,922. Your answer was given as if it referred to the other district?—I must explain, because I do not remember any other meeting in Listowel except the one I have referred to, the one in 1882, 2nd July 1882.

19,923. It is very possible you may be right. It may be in the course of the examination that a question was interpolated with regard to Killarney. At any rate, you do not say that with regard to Listowel?—I do not say that, except with regard to one meeting.

19,924. With regard to Killarney, what meetings do you remember?—I refer to one on the 7th of November 1885, at Furies.

19,925. Were you present at it?—Yes, I was.

19,926. Who were present; what speakers?—Mr. Sheehan, M.P., and Father O'Connor.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,927. The 7th of November 1885?—The 7th of November 1885.

19,928. Is that the only meeting you can tell me of in the Firies district?—That is about all I remember in 1885 at that time. There was another one, I forget the date of it, since that, I think, in the Firies district.

19,929. I want to give you every opportunity of giving me all the meetings to which you make reference?—I cannot call to mind any other meeting in the Firies district, except that on the 7th of November 1885.

19,930. Now, please, with regard to Ballyhar. Do you speak to any meeting in that district?—No, I never was at a meeting in that district.

19,931. Rathmore?—No, I was not at a meeting at Rathmore.

19,932. Barrowduff?—Yes, I was at a meeting there.

19,933. When?—I think in 1885—some time in the winter of 1885, but I forget the date. I can find the date out for you.

19,934. You have made a very serious allegation with regard to these meetings, and I must trouble you, if you can, to give me the date you say they took place?—I cannot remember the date of that one.

19,935. Can you remember who was there?—No.

19,936. Can you remember anything about it?—Yes; they were going to hold a meeting. We went out with a lot of police, and eventually it was not held. I think that was it.

19,937. Then we will pass on. That is a rather unfortunate illustration?—Well, I told you I did not remember one at Barrowduff. I remember now it was not allowed.

19,938. The next, I think, was Glenflesk?—Yes, I never was at a meeting in Glenflesk.

19,939. Currans?—No, I was never at a meeting in Currans.

19,940. Killarney?—Yes, I was at a meeting at Killarney, 30th August 1885. There was Mr. Timothy Healy, and Mr. O'Brien, and Mr. Sheehan there. There was another one on the 23rd January 1885, but I was not at it.

19,941. You know nothing about it?—No.

19,942. Then it comes to this, that there are two meetings of which you have spoken, the 7th of November 1885 and the 30th of August 1885?—Yes.

19,943. And those are the two meetings to which you referred when you said that the raids which took place followed the meetings of the League?—Those are not all the meetings I refer to.

19,944. Tell me of any others; I have given you every opportunity?—I will tell you what I refer to. You must remember there were every week or every fortnight meetings of the League in the League rooms, which are reported in the newspapers.

(*The President.*) We had already noted that; we were waiting till it was developed. He was not speaking of public meetings, but meetings in the rooms of the League.

(*Mr. Lockwood.*) I understood him in his answer to refer to meetings of the League, and by that to mean public meetings.

(*The President.*) That is not how we understood it.

(*Mr. Lockwood.*) I am very much obliged to your Lordship for calling my attention to that. I wish to put a question about that.

19,945. Do you refer to the weekly meetings of the branches?—I refer to both public meetings and weekly meetings of the branches.

19,946. Let us keep these separate. I have dealt with the public meetings. Now I am coming to the other meetings to which you may have referred in your answer. Were those the weekly meetings of the branch?—Weekly and fortnightly meetings of the different branches of the League.

19,947. Did those take place regularly during the time that the League was in existence?—I believe they did. They are reported in the papers. I saw them in the papers.

19,948. Then, supposing there was an outrage, the meetings would take place before the outrage, and they would go on and take place after the outrage in regular course?—Yes, exactly.

19,949. I think it is only fair—of course I do not appear for Mr. Healy, who has been alluded to as being present at a meeting on the 30th August 1885; were you present at that meeting?—I was in the barrack in Killarney in charge of the police. I saw the meeting.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,950. Did you hear Mr. Healy at that meeting denounce outrage?—No, I did not. I was not present in the actual hearing of the meeting; I was a little distance apart with a party of police.

19,951. Do you mean you were not near enough to hear?—I could not hear what was said.

19,952. If he did denounce outrage, you were not near enough to hear it?—No, I was not.

(*Mr. Lockwood.*) Then, of course, I cannot read this at this particular juncture. My Lord, I do not know that this naturally arises upon the cross-examination of this witness, but it refers to his district; it is an article published in the "Kerry Sentinel," referring to outrage, and denouncing outrage in the district of which this gentleman has been speaking.

(*The President.*) Yes.

(*The Attorney-General.*) What is the date?

(*Mr. Lockwood.*) The 11th June 1886.

(*The Attorney-General.*) The 11th June 1886, your Lordship will notice.

(*Mr. Lockwood.*) I am beginning at the wrong end. This is in the "Kerry Sentinel" of the 11th June 1886. It begins:—

" THE SPECTACLE OF THE SOUTH

" of Ireland peacefully abstaining from any demonstrations of hostility to those
" resident there who may be of the same political kidney as the Orange demon-
" strations of the north will not be without its useful lesson here, as indicating
" the temper of a future Irish Government elected by that majority. Pray God
" for higher reasons than merely this, it may continue so, and that not retaliation
" may occur.

" THE SINGLE STAIN

" on the political escutcheon of the south is in connexion with the inexplicable
" outrages of an agrarian or semi-agrarian character which are committed
" principally in Kerry. They are a hellish work no doubt, but it seems as if
" the Devil's ingenuity were always devising, not merely the commission of them,
" but the particular juncture for the commission of them, which is most fatal to
" the peaceful or progressive prospects of the country. There is no use in my
" continuing in this strain, for I know how humiliated all decent people in Kerry
" feel over these frightful occurrences."

(*The President.*) Who is that?

(*Mr. Lockwood.*) That is in the letter from London from "Our Correspondent," written, I believe, as a matter of fact, by Mr. Edward Harrington himself. My Lord, this is from the "Kerry Sentinel," of the 28th August 1885. It is in the form of a leading article. It is headed—

" BAPTISING IN BLOOD.

" Among the things unaccountable to ordinary intellects, must be reckoned
" the devilish instinct of mis-guided and malicious men, for contriving by re-
" pulsive aids, to hinder the progress, and mar the prospects of every good cause
" they affect to cherish, just at the time when there could be the least possible
" need for their extravagance, apart from its repugnant wickedness, which often
" disgusts the best men from a movement abetted by such foul means. Perhaps
" there never was a juncture in our history when the pure, unsullied name of the
" sacred cause we all have at heart required a more watchful care and zealous
" guard than at this very time we are slipping through. Nor is this merely so,
" in order that we may present a holiday aspect to the English people, or to the
" gazing nations of the world; but it is mainly that the excesses committed by
" evil-motived or foolish men by way of a bloody burlesque of our national
" movement, cause a doubt to arise in the minds of the best and bravest among
" us, of the wisdom of striving so strenuously for a liberty which may be under-
" valued or misused by a considerable section of those for whom it is sought.
" Great social movements should never be sullied by the bloodstain, though
" they invariably are. But the present Irish movement is more of a national

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

“ than a social movement, and history would yet condone, and, in fact, applaud us, if with a good opportunity offering, we had asserted our rights from the lips of the rifle, and hewn our way to freedom with the sword. There are comparatively few amongst us believe in the opportuneness of such effort, and the vast majority, to say the least, firmly hold a daily increased conviction, that in a little while the same effect can be produced by an earnest unity in peaceful means. However, it is no secret that there are Irishmen, young and old, the world over, as well as here at home, who would willingly fling craft and caution to the winds to-morrow, and leading or following in the trusty band, would readily face a patriot soldier's death on their native heather to risk the avenging blow for Ireland. Nevertheless, these very men, the purest and the most ardent of them especially, as thoroughly detest the vile practices which we chronicle and condemn to-day, as even the man of peace or the priest of God could do. The horrid habits that are now revived of moonlight visits and mutilation of cattle in a portion of this county are the occasion of this earnest and we trust successful call which we make with all the might of our souls to-day to all true lovers of Ireland within this county, and to all natives of Kerry to assist in allaying this foul demon whose evil visage, it would seem, is to be the beacon of their hopes to some wrong-minded men through the settling gloom of the coming winter. On the lowest ground that such an appeal could be made we first put it. The Crimes' Act which, pressed with noisome torture on the people's liberties, has lapsed; and if it would not be too much to credit these miscreants with any intelligible object, it would seem as if they now wanted an improvement on it in the shape of martial law. There is no need for outrage, even if, in the imagination of the wildest, it were defensible; and the man who fancies he is shortening the period of our national servitude by cutting six inches off the tail of a causeway cow, is not the most desirable disciple to have in our national movement. But far over and above the low level grounds of error and inexpediency, is the reason that we hope animates the people in condemning these outrages, because they are cowardly, and criminal, and sinful, and abominable, and that neither the class nor the nation that would wink at them could hope for, much less deserve, that Divine blessing on their efforts, which alone sweetens the success it ensures. If the strong discountenancing voice of the people be not brought to bear on the suppression of this tendency to crime and outrage now during our efforts for liberty and justice, it would strike its unholy roots deep into the soil of our hereafter national life and that overshadowing growth blast the fairest fruits thereof. It is these sort of men through all times 'Who at death's reeking altar, like furies caressing, the young hope of freedom baptizes in blood.' ”

Cross-examined by Mr. ASQUITH.

19,953. When did you first become aware of the existence of the moonlighters in Kerry?—When I went to Listowel. I had heard of moonlighters before that. I had to do with them first when I came to Listowel.

19,954. There were none in Dingle?—I do not think there were any real moonlighters in Dingle.

19,955. Were they already in existence and organised in Listowel when you got there?—Yes.

19,956. And continued so throughout your time in Listowel?—Yes.

19,957. Was that also true of Killarney?—Yes, there were moonlighters in Killarney when I got there.

19,958. From the first?—From the first.

19,959. And still are?—And still are.

19,960. I understand you to say, as the result of your inquiries, that there are no moonlighters where there is no branch of the League?—I did not say that. I said I had never heard of any moonlighters where there were no branches of the League.

19,961. So far as your observation and inquiry has gone?—Yes, so far as my observation and inquiry has gone.

19,962. Is that so?—Yes, that is so.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,963. And that wherever there is a branch of the League there is a branch of moonlighters?—Yes.

19,964. Invariably?—Well, I would not say invariably. Probably you might find exceptions.

19,965. You said wherever?—Yes, as far as I have seen, there always has been.

19,966. Does that refer to both Leagues, the Land League as well as the National League, or are you speaking only of the National League?—I chiefly had to do with the National League, but it referred in Listowel to the Land League as well.

19,967. Do you suggest that the branches of moonlighters and the branches of the League were connected together?—Yes, I do.

19,968. You do?—I do.

19,969. That is not a mere coincidence?—It is not a mere coincidence, as far as my observation has gone.

19,970. How are they connected?—Well, as far as I have seen, whenever the League passes laws to say a man shall not take an evicted farm, and where those resolutions are passed, the moonlighters always carried that out. They have invariably carried it out.

19,971. So far as your inquiries have gone, are the same persons members of both bodies?—I do not say that every National Leaguer is a moonlighter, but I say that the majority of the moonlighters are National Leaguers.

19,972. Do you say the majority of National Leaguers are moonlighters?—No, I do not say that.

19,973. Are the moonlighters organised in the sense of having officers and an executive?—They are under a captain. Each band is under a captain.

19,974. Is there any further organisation?—I do not know that there is. They go by numbers; they go by No. 1, No. 2, and so on. They are never known by their names.

19,975. The organisation, such as it is, is of a secret character?—Yes, it is of a secret character.

19,976. There have been a great many prosecutions, have not there, for moonlighting in your district during the last few years?—There were two men prosecuted for murdering Curtin, and there were two prosecuted for a raid at a house close by in December 1885. I cannot give you the exact number that were prosecuted, but several moonlighters have been prosecuted.

19,977. Do you look upon the Curtin case as a case of moonlighting?—Decidedly.

19,978. Can you point to any resolution of any branch of the National League passed before the murder of Mr. Curtin?—I can only point to the report—I believe it is in the "Kerry Sentinel"—of the meeting at Firies, where Father O'Connor said that any man who went behind his neighbours back and paid his rent—what should you do with him?—and a voice shouted out, "Shoot him." That is in the Report. I think that is the resolution. That is in September 1885.

19,979. That is what you call a resolution of the League?—I could hardly call it a resolution of the League, but, at any rate, the speech was made by the President of the League.

19,980. I asked you if you could point to any resolution of the National League, or any branch of it, in relation to that case?—Not in relation particularly to Mr. Curtin, but in relation to the general payment of rent.

19,981. Give it me?—I cannot give you instances. If you will let me look at the papers, I can probably find out 20 for you.

19,982. You have made the statement to me just now that the moonlighters were engaged in carrying out the resolutions of the League?—Yes.

19,983. You have given me now a specific case; I want to press it. Can you point to any resolution of any branch of the League in relation to Mr. Curtin?—No, I cannot—not naming Mr. Curtin by name particularly.

19,984. You knew Mr. Curtin was an officer of the branch of the National League in Firies?—I never knew that.

19,985. Do not you know it?—I knew he was a member of the League. I did not know he was an officer.

19,986. Do not you know now?—I do not know now, unless I am to take your word for it.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

19,987. You have never heard that?—No, I do not think I have.

19,988. Will you give me, please, some other cases in which there have been prosecutions for moonlighting within the last few years?—There was a prosecution for the shooting of a man called Cornelius Murphy. There are two men now in penal servitude for it—14 years.

19,989. When was that?—I think that was on the 20th or 21st February 1887.

19,989a. (*The Attorney-General.*) Was that the trial, or the shooting?—That was the shooting. The trial was at the Winter assizes in Cork in December 1887.

19,990. (*Mr. Asquith.*) What was the name of the man?—Cornelius Murphy.

19,990a. Where did it happen?—It happened at a place called Cools, near Killarney, about five miles from Killarney.

19,991. Who were the persons convicted?—A man named Burke and a man named Dwyer.

19,992. Were they members of the National League?—I believe Burke was, but I am not sure of Dwyer.

19,993. Of what branch of the League was Burke a member?—I believe he was a member of the Kilcummin branch. I did not mention that. I remember it now. There was a Kilcummin branch.

19,994. Was that proved at the trial?—No, I do not think so. I am not saying myself I swear positively he was a member of the League. I believe he was.

19,995. You will not go further than that?—No, I will not go further than that.

19,996. Was there any resolution of the League in reference to this case of Murphy prior to the murder?—No, I am not aware that Murphy was ever mentioned by the League.

19,997. Now, will you give me, please, another prosecution of moonlighters?—Well, there was a man prosecuted for moonlighting at the Winter assizes in Cork in 1887.

19,998. The name?—I forget his name now.

19,999. What was the case?—The case was a raid at a place called Shronedragh, near Headford.

20,000. A raid for arms?—No; the police caught them. They identified this fellow with it. They met them on their way.

20,001. They met them on their way to the place?—Yes, on their way to the place.

20,002. Whose house were they going to?—I do not know at all. They were going to several farmers' houses.

20,003. How was that proved?—Because I knew it by private information.

20,004. How did you know it?—Through private information.

20,005. Who from?—I will not tell you. I suppose I need not tell the name of a private informer?

(*The President.*) No.

20,006. (*Mr. Asquith.*) That comes under the same rule. You think you know it?—I did know it.

20,007. Was there any resolution of any branch of the League with reference to these persons whom you say the men were going to attack?—I cannot remember. I cannot remember any resolution.

20,008. Tax your memory, because you made a statement of a very serious kind?—I cannot remember.

20,009. Just tax your memory?—I cannot remember whether there was any resolution that these men should go out from the League. I do not think there was.

20,010. What was the date of this?—This was on the night of the 1st of October 1887. The private information which I got about the raid was that it was to compel people to join the National League.

20,011. I am not asking you for the information. You will not give me the name of the informant, therefore I do not want to know more. At this date, the 1st of October 1887, is it, or is it not the fact, that the branches of the National League in your district had been suppressed by the Government?—I am not aware, but I think that they were suppressed in November.

20,012. I want to know from you?—I think it was in November. I forget the date of the suppression, but I think it was in November.

20,013. Can you point to any resolution of any branch in your district in reference to that case?—Not in reference to that case; no, I cannot.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,014. You mentioned, I think, in your evidence to-day the case of a man named McSweeney?—Randall McSweeney.

20,015. Who was visited?—Yes.

20,016. Raided?—Yes.

20,017. Do you suggest that that was in consequence of any resolutions of the League?—I am not aware that I can point to any resolution of the League with reference to Randall McSweeney.

20,018. Are you aware that Randall McSweeney was a prominent member of the League?—At one time I believe he was.

20,019. At this time?—I cannot say at this time.

20,020. Could you say he was not?—I do not know whether he was or was not at this time; but I believe before he was.

20,021. You know he had been?—Yes.

20,022. Now I want another case, please?—There were a lot of cases, where William Williams was condemned by a branch of the Barrowduff League; but I cannot point to anyone in the papers except the one I tell you of in January 1886. In January 1886, the Barrowduff branch of the League—it was reported in “United Ireland”—called on these people to shun this man Williams and a man called Culloty, Culloty because he had taken some grass from an evicted farm; something of that kind. I cannot tell you the words. I saw the resolution the other day.

20,023. Is that the only case you are able to give me in which you can point to a resolution of the League preceding moonlight raids?—No, I will point to another one. There was a report in “United Ireland” some time in February 1888, this last year, and that was saying that people should produce their National League cards; and within three days after that report appeared in “United Ireland,” there was a raid in the very district, and people were told to produce their National League cards.

20,024. Who were told?—The farmers that were visited in the parish of Glenflesk.

20,025. The people who were raided were told?—The people who were raided were told by these men.

20,026. That is the connexion you suggest?—Well, I say it is a very extraordinary thing that they pass a resolution one day, and that it is followed out by a party of moonlighters the next day.

20,027. Can you give me another. You have been in the district six years?—Yes; I have not any at hand. I have seen them lots of times in the paper.

20,028. I must ask you to tax your memory?—It is perfectly impossible for me to tax my memory over six years of what appeared in the newspapers.

20,029. You told me in your opinion the moonlighters were engaged in carrying out the resolutions of the League?—Yes, and that is my decided opinion.

20,030. You state that without any qualification or reserve?—I have no qualification. I say it has been my invariable experience.

20,031. Can you now give me any other case, except the two you have mentioned, in which a moonlight visit has followed a resolution of a branch?—I cannot give you any definite resolution, but if you will take the case of Rahilly, that man who was murdered in Killarney, people who took evicted farms have been over and over and over again condemned by people in the National League. This man took care of an evicted farm. His house was burnt down first of all; and he was murdered in broad daylight three-quarters of a mile outside Killarney on the 31st of December 1885. People taking evicted farms have often been condemned. I cannot point to the exact passages. I cannot point to the different papers, but I have seen them over and over and over again.

20,032. That is all you are able to tell me?—I think that is about all.

20,033. How many people have been, within the last three years, convicted at Cork Assizes or elsewhere for moonlighting outrages in your district? I do not want the exact number?—I think about 8 or 10. I think that is about the number.

20,034. Of those 8 or 10 people, can you mention anyone who was shown either to be an officer or a member of any of the branches of the League in your district?—Yes, I could from my own observation, but Sergeant Meehan swore here the other day that Casey—

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,035. Never mind Meehan?—I know myself from what I heard that Casey, the man who was convicted for the shooting of Curtin, or being on the Curtin raid, was a member of the National League.

20,036. The man who shot Curtin?—Yes; I do not say the man who shot Curtin.

20,037. So was Curtin himself?—Well, I daresay he was.

20,038. Is there any other case except this of Casey?—Yes, there was a man, I cannot remember his name, who was convicted at last Cork Assizes; I believe he was a National Leaguer at Headford.

20,039. What is his name?—I forget his name. I could tell you in a minute if I refreshed my memory. I have not the name here.

20,040. (*The Attorney-General.*) Will you give me something to identify it?—It was the raid near Headford on the 1st of October.

20,041. The one you mentioned?—Yes.

20,042. (*Mr. Asquith.*) The one you have already mentioned?—Yes.

20,043. You mean the man Burke you have mentioned before?—No, it was at Shronedragh.

20,044. Give me the man's name?—I tell you I cannot remember it.

20,045. Was more than one person convicted?—Only one person was identified by the police, and only one person was convicted.

20,046. That is the man you refer to?—That is the man I refer to.

20,047. You say he was a member of the National League?—I say I believe he was.

20,048. What grounds have you for that belief?—I was told so by a certain person. I cannot tell you the man's name.

20,049. (*The Attorney-General.*) I am told his name was Murphy?—His name was Murphy—yes, that is the man.

20,050. (*Mr. Asquith.*) What ground have you for saying he was a member of the National League?—I knew it privately, but I cannot give you the man's name who told me.

20,051. An anonymous informant told you so?—Yes.

20,052. Is that what it comes to?—Yes. I did not quite hear what you said.

20,053. I said did some anonymous informant tell you so?—Yes, some anonymous informant.

Cross-examined by Mr. HARRINGTON.

20,054. I suppose from your knowledge of the district you are aware the greater proportion of the people belonged to the National League?—Yes, the greater proportion of the people belonged to the National League.

20,055. I suppose you found if you made arrests for drunkenness you would be likely to hit occasionally upon a member of the National League too?—Yes, very likely.

20,056. And if the great majority of the people, or all the people of the district, are members of the National League, and you arrested for any offences there, you would occasionally, I suppose, fall upon a member of the National League?—Yes, certainly.

20,057. Now, in all your experience of either of those districts—Dingle, Listowel, or Killarney—have you ever arrested for a serious offence any person in whose possession you found a National League card of membership?—Yes, I have not myself personally, but the police have. I never arrested anybody myself. I do not remember ever having arrested anybody myself.

20,058. You have been present at arrests?—No, but my head constable arrested a man with a National League card in his possession.

20,059. For what offence?—Murder.

20,060. A National League card in his possession?—Yes, I believe he was a secretary. That was a man called Ryan, secretary, I believe, of the Barrowduff branch of the National League.

20,061. Do you know of your own knowledge that Ryan is a secretary of a branch of the Barrowduff League?—No; I can only say I have heard it. It has come officially to my knowledge.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,062. Will you swear Mr. Healy is not the secretary of the Barrowduff National League?—You mean to say a man who goes by the name of Buck Healy, is that the man?

20,063. I do not know whether he goes by that name. He goes by the name of Healy?—Healy is the secretary, I believe, at the Glenflesk branch of the League, as far as I know.

20,064. Will you swear he does not live at Barrowduff?—I do not know of a Healy living at Barrowduff.

20,065. Dennis Healy?—He lives at Headford.

20,066. Do you know him?—Yes.

20,067. Will you swear he is not a secretary of the Barrowduff branch of the National League?—He may be since I left Killarney, but he was not when I was at Killarney, so far as I know. Ryan was always the reputed secretary.

20,068. We have one case at all events where the police under your charge did arrest a man who had a National League card?—Yes.

20,069. What became of that case—of that arrest?—We could not get any evidence against him, and he was discharged.

20,070. And he was merely arrested on suspicion?—Yes.

20,071. Have you any other case? In all your experience in Kerry, can you point to a single case of a man arrested whom you connected by direct evidence with the National League, and who was convicted of an offence?—You were arrested for a riot in Listowel once, I remember.

20,072. Yes, exactly, I remember too. And was I found guilty of the offence?—As far as I remember, you were returned for trial, and I do not know whether you were tried or not. I forget. I think you were not tried. Either you were found innocent or not guilty, at any rate, at the trial. But I do not quite know whether it was that or they did not prosecute.

20,073. You have not yet established your case against the National League. I was not found guilty of any offence, at all events?—I do not think you were before the jury.

20,074. Now let us come to some other cases. Can you give me any other instance in all the arrests made in Kerry by you or the men under your charge, where you directly traced connexion between the National League and the person found guilty of an offence?—No, I cannot say that I traced the connexion between anyone found guilty of the offence, but I know we had a good many. I do not think any officer of the National League was convicted in my district as far as I know.

20,075. Let us pass from the officers—anyone against whom you can by evidence establish membership of the National League?—Yes, Casey. Casey is the one. I do not think I can give you any others.

20,076. Can you by evidence establish Casey to be a member of the National League?—He was generally seen attending the meetings, I understand.

20,077. Do not mind about your understanding. Did you ever see him attending a meeting?—I saw him at the Firies meeting, but I did not see him going into the League room, but he was seen by one of my sergeants.

20,078. Are you aware that the constable who swore here with reference to Casey did not swear he was a member of the National League but swore he saw him at public meetings?—I thought he said he was a member of the National League. At any rate, I was told he was a member of the National League.

20,079. Do not mind what you were told. You gave some evidence with reference to the eviction of a family of Flaherty at Lispole, near Dingle?—Yes.

20,080. Did you know anything of the circumstances which brought about that eviction?—No, I do not remember them. I might have known them at the time. I reported the eviction.

20,081. Perhaps you would recollect them if I reminded you. Do you remember on what estate Flaherty was a tenant?—I think it was Mr. Hickson's, I am not sure.

20,082. Did you know the agent for Mr. Hickson there was Mr. S. M. Hussey?—The agent at that time, I think, was Mr. Hussey. I am not sure that it was Mr. Hickson's property, but I believe it was.

20,083. Did it come to your knowledge at the time of the eviction, that at the expiration of the lease in 1872 Mr. Hussey increased Flaherty's rent from 60*l.* to 100*l.* a year?—I never heard that.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,084. That did not come to your knowledge?—As far as I remember it did not. It is a very long time ago. I might have known that, but I forget it, and I forget many of the circumstances.

20,085. Do you know whether as the result of that eviction shortly after the eviction Mrs. Flaherty died, in a very humble place in Dingle?—I did not hear that.

20,086. You did not hear that?—No, I did not hear that.

20,087. Did you hear she had been imprisoned for trespassing after the eviction?—Yes, I think she was prosecuted for trespassing.

20,088. And prosecuted so often that the fines amounted to 8*l.*, did you hear?—No, I did not hear that.

20,089. Are you aware she was imprisoned?—I am not aware she was imprisoned. It might have been after my time, I do not know at all. I never heard it. I remember on one occasion she was prosecuted, I think, for trespass on the farm. I have a sort of remembrance of it.

20,090. Do you remember a man of the name of Kelliher, the secretary of a branch?—I think it was Kelliher.

20,091. Did you hear anything of the circumstances of Kelliher's holding, I believe he was a tenant of Lord Ventry's?—He was a tenant of Lord Ventry's.

20,092. Did it come to your knowledge that Kelliher's rent had been increased on account of voting for the Home Rule candidate, Mr. Blennerhassett, at the election?—No, I never heard such a thing in my life.

20,093. You did not hear that allegation made?—Never.

20,094. It was not mentioned in the meetings you attended?—It might have been mentioned. I cannot say I heard all the speeches at the meetings I was at. It might have been mentioned, but I never heard such a thing.

20,095. I suppose you know nothing of the reductions of rent given on Lord Ventry's estate?—No, I do not know anything at all about that.

20,096. It is no portion of your duty, I believe, to keep an account of the decisions of the Land Court?—No, it is not.

20,097. You have quoted the evidence of one of the police here. I think you said Sergeant Meehan?—I did not quote his evidence.

20,098. You referred to his evidence?—I referred to his evidence. I said I believed he swore.

20,099. You stated what your belief was, that he swore?—I do not know what point you refer to.

20,100. I will refresh your memory by reading that part of the evidence. It is page 935, question 13,814, "Did you know of your own knowledge whether he was a member of the Land League at Firies or not?"

(*The Attorney-General.*) The previous question is, "Had you known Casey?—I had."

(*Mr. Harrington.*) "Yes, I saw him attend the meeting where the National League was established, riding on horseback, and wearing a green sash across his breast."

20,101. That was the evidence?—Yes.

20,102. Beyond that, had you any reason whatsoever to conclude that Casey was a member of the National League?—Not from my own knowledge.

20,103. Beyond that, had you any knowledge?—Beyond that swearing?

20,104. Yes?—I am in charge of the district, and I know very well he was a member from private information. I tell you I never attended the meetings. I cannot say he went into the meeting.

20,105. Precisely so; and not attending the meetings and having no knowledge; if you would state you had no knowledge, I would be satisfied. but I must ask you a further question. Now, you pledge your oath you got private information with respect to this man Casey?—Yes, I will.

20,106. That you got private information with respect to him?—Yes.

20,107. Can you remember the date at which you got that private information?—No, I cannot give you the date. It was in 1885, after he was arrested for this Curtin murder.

20,108. Were you aware that the members of the Curtin family were also members of the National League?—I believe Mr. Curtin was. I did not know whether any of the others were. George Curtin, I believe, was.

20,109. And Mr. George Curtin swore here that he was?—I believe he was.

20,110. Have you heard that Mr. Dan Curtin was?—I do not know whether he was.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,111. You never asked them whether Casey, who was found guilty of being a party to the murder, you never asked them whether they saw Casey at the National League?—I do not think I ever did.

20,112. You got no information on the subject from them at all events?—I do not think so. I do not remember having mentioned the subject to them.

20,113. Now I will take you over some of the entries in the Killarney district—at what time was it you went to the Killarney district?—The 13th October 1882.

20,114. I see a number of threatening letters here sent to Mr. William Orpen?—Not Mr. William Orpen.

20,115. I am referring to the 9th October 1883. Do you know Mr. Orpen?—Yes, personally.

20,116. Had you any reason to believe that members of his family were playing upon his fears?—No, I had not.

20,117. On his prejudices?—No, I had not.

20,118. On his fancies?—No, not at all.

20,119. You had no reason to believe that members of his family had been deceiving him as to anything?—Not that I am aware of; no.

20,120. Were you aware of an action?—I heard there was an action.

20,121. Entered against him by his son-in-law?—I heard of that action.

20,122. I do not want you to mention the circumstances of the action; but do you know anything about it?—No, I do not—nothing whatever. I did not interest myself in it at all.

20,123. Do you know that the action resulted upon the false information given him by his granddaughter; do you know that?—I do not think I have ever heard that. Possibly it was that, but I am not quite sure; but I could not really tell you what the circumstances of the action were—it was something of a private nature, I know.

20,124. I daresay it was of a very private nature, but at the same time it might possibly come out in the course of your enquiry about the threatening letters. There were several threatening letters to Mr. Orpen at different periods?—Yes, there were.

20,125. A large number of them?—Yes, a large number of them.

20,126. Did you learn, during the course of any of your visits there, that Mr. Orpen was under the impression that his son-in-law resided in the neighbourhood and visited the neighbourhood, while, in fact, his son-in-law was over here in England?—Sometimes he told me that he believed his son-in-law was about the place.

20,127. Were you aware that he was told that by members of his own family?—I am not aware of that.

20,128. Had you any reason to believe that his son-in-law was about the place?—I never heard that he was, only what Mr. Orpen said.

20,129. Did you not ascertain that was pure hallucination?—No, I never paid any attention to it; it was a private family matter, and Mr. Orpen twice mentioned it.

20,130. Those private family matters also are frequently the subject of threatening notices, are not they?—I daresay they are, but not in such a case as Mr. Orpen's.

20,131. Did you make any effort to trace those threatening notices from the private family matter?—I never had any suspicion that that had to do with the private family matter, and I never made any effort.

20,132. Though you were aware he had been making statements with regard to his own son-in-law?—I am not aware that he made any statement to anyone except myself.

20,133. To yourself?—Yes.

20,134. Did he make any allegation against his son-in-law?—No; he did not to me.

20,135. No allegation?—No, not as far as I remember.

20,136. In what connexion did he mention that his son-in-law was about the place?—I really could not mention that.

20,137. I do not ask you to mention anything which might be considered private, but was it in connexion with this threatening notice, or in connexion with any annoyance to his family he mentioned it to you?—No, it was not in connexion with this threatening notice. My impression is it was about some money matters, as far as I remember.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,138. Was it in connexion with the annoyance to his family or to himself that he mentioned it?—No, it might have been to himself, but not to his family.

20,139. Annoyance to himself?—Yes.

Cross-examined by Mr. DAVITT.

20,140. I only want to trouble you for a few minutes. When you went to Ireland you knew something, I suppose, of the traditions of the Irish peasantry?—No, except what I had read in history.

20,141. Then you have read, probably, about previous agrarian movements in Ireland?—Yes; the rising in 1848 and 1797.

20,142. The rising in 1848 was not agrarian. You probably heard of Whiteboys?—Since I went to Ireland.

20,143. And Terry Alts?—Yes.

20,144. And the Rockites?—Yes.

20,145. And the Ribbonmen?—I heard of Ribbonmen.

20,146. I suppose you have learned in those studies that outrages similar to those you have sworn to were made at these agrarian uprisings and movements?—I knew the Whiteboys, from what I read, did something similar to Moonlighters, but I never read much about Ribbonmen.

20,147. Or Rockites?—No, I do not think I heard that name before.

20,148. You say Lord Ventry was very popular with his tenants?—Yes, he was.

20,149. I believe you are on terms of intimacy with his family?—Yes, I know his family well.

20,150. You went, you say, to Dingle to enquire into the exaggerated reports of the distress of the district?—No, I did not say that. I went to a place called Dingwin to enquire into the distress in that district—that being the matter.

20,151. You dine occasionally in Barnham House?—Yes, frequently.

20,152. You found a slight difference in the bill of fare there compared with that of the tenants in the districts in Ireland?—Naturally, I suppose you would find that all the world over.

20,153. Will you tell me something about the ordinary food of the tenants of that estate, how they lived?—They seem to have plenty of potatoes.

20,154. Plenty of potatoes?—Yes, and what they call bread, a sort of flat cake.

20,155. Not much roast beef of old England, I think, in old Ireland?—I do not think they ever seemed to want it, not when I was there, at any rate.

20,156. Would you say that the social condition of the peasantry was an ideal one for a peasantry?—I do not know what you mean by an ideal condition. That varies so much in different countries.

20,157. Do you know how English farmers live?—Yes, I do.

20,158. Would you say they live better?—The ones in Yorkshire I have met with live a little better, I think.

20,159. Would you say that the normal social condition of the peasantry of Kerry is calculated to spread contentment and peace?—When I was down there they were the most happy and contented people you ever met; you could not meet a happier people. They seemed to be happy and peaceful, and were a very nice people. Well-to-do farmers seemed to be pretty well contented with their position—very well contented in 1880—in point of fact, I always used to compare them—of course making allowance for the difference of the country—to the Yorkshire farmers, and I say they were as nice a people as I have ever seen in my life until these disturbances arose.

20,160. They did not get roast beef and plum pudding?—I do not suppose it would do them good if they did.

20,161. I think you said they are a Celtic people almost exclusively there?—To the best of my belief I believe they are.

20,162. And therefore they are all quiet?—I say I always found them quiet.

20,163. I think you associated the quietness of the people with the Celtic character of the people?—No, I do not say that—all that southern district of Kerry, taking a line, say, from Tralee almost to Mill Street, and cut off the southern district—the Corsvene district—and the district round, where the League has never got hold of the people; they have always been quiet, and there has been very little crime.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,164. I understand you to say, because the people were chiefly Celtic, they were quiet?—Yes, I always found the Celtic people very quiet.

20,165. I was only going to ask you this, is it not where the English blood mixes with the Celtic that lawlessness begins?—I do not know that.

20,166. You have been in very good company if you say so, with Professor Huxley and those?—I could not say that. I have always found the poorer part of the country the best. I have found the prosperous part of the country almost always the worst. Taking the county of Kerry about Castleisland, where the land is good, they have been the worst there.

20,167. There is less Celtic blood there?—I do not know; there are a good many Macarthys there.

20,168. It may be a mixture perhaps?—It may be that.

20,169. Would you say that every village in Kerry had a Land League or a National League?—I would not say that.

20,170. But you swore the other day, if I remember rightly, that every village in Kerry had its secret society?—Nearly every village that I came across; there are parts of Kerry I have been into very little.

20,171. I am reminding you of what you said the other day, and you substantially repeat it now, that nearly every village in Kerry had its secret society?—Nearly every village in Kerry had its secret society, that is to say, wherever there was a branch of the National League or Land League, there was a secret society. They went by parishes.

20,172. You say now there is not a branch of the National League in every village in Kerry?—No, I cannot say there is.

20,173. How many villages are there?—I cannot tell you.

20,174. If every village has its secret society, there must be more secret societies than there are branches?—I do not mean every village.

20,175. Nearly every village you said?—I mean every village in which there was an organization; where there was an organization of the Land League there was a secret society—an inner circle—they chiefly went by parishes.

20,176. I suppose you have found very few crimes or disturbances associated with the question of Home Rule?—I cannot say that I remember any.

20,177. You found ~~more~~ associated with the question of the franchise?—No, I do *none* not think I did.

20,178. Or with the question of education?—No, I do not think I remember the question of education.

20,179. All the outrages and disturbances were associated somehow or other with the land?—Yes, somehow or other with the land; most of them were.

20,180. Arising out of the state of the land, chiefly in the country?—It was not so much that.

20,181. Well, in connexion with the land?—As far as I can make out; what I mean is, there were a lot of these outrages occurred in my district from time to time. As, for instance, where a poor man wanted to get a day's work on an evicted farm, or where there were acres lying waste, because he went and worked, he was outraged.

20,182. That is in connexion with the land?—Yes.

20,183. Were any of these cases connected with the Home Rule question, or education question?—I do not think the education question had anything to do with it.

20,184. With reference to the outrage at Gloster's house, where the hat and boots were found, would you think those very good clues to lead to the discovery of the perpetrator?—They would be very good clues if you follow them up. If a pair of boots merely fit a man they are not worth much as a clue, unless there is something else.

20,185. What steps did you take to discover the perpetrator?—We searched for the people everywhere.

20,186. Did the people help you?—No, they did not.

20,187. Have you any knowledge of bogus outrages in Kerry?—I believe there have been one or two bogus outrages.

20,188. Only one or two?—Well, I could not give the number exactly. There has never been very many. There was an outrage. I think I have had a couple of cases

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

where people did not want to pay the rent, and they wanted their friends around them to go and do something, but I have had only two cases of that sort.

Cross-examined by Mr. BIGGAR.

20,189. You spoke of the case of Gloster. Now, I think I understand from you that this explosion took place in a garden or field, did not it?—Yes, just outside the house. About 20 yards away from the house.

20,190. He swore it was 25 yards—you say 20?—Well, something of that.

20,191. Is it nor your experience with regard to explosions generally—I do not speak of dynamite or gunpowder—that the explosion will have very little effect as to distance where the explosion takes place in earth or sand, or any material of that sort?—I suppose it would 20 yards off, but dynamite sometimes explodes when you do not expect it.

20,192. Is it not your usual experience with regard to explosions that if the explosion takes place in sand or earth that it has very little effect, and that the effect is only for a very short distance?—Yes, I believe that is the fact, but it depends upon how close it is put to a building.

20,193. How far might you reasonably expect an explosion would be felt in sand or in earth from where the explosion took place?—I really could not tell you. I have not had much experience in explosions.

20,194. In this particular case of Gloster, how far did any of the effects show themselves from where the explosion took place?—Oh, not more than two or three yards round.

20,195. Do you really seriously mean the Court to believe that a person who wished to do any material injury to the building of Gloster's house would cause an explosion 20 or 25 yards from the building?—No, I do not think so, but he put the dynamite specially down there.

20,196. Then this the sort of evidence upon which your usual results have been founded?—No, it is not. You have misunderstood what I said. I said that if they wanted to blow up Gloster's house the probability is that they would put the dynamite close to it, but dynamite sometimes explodes before you expect it.

20,197. If that is the case, if the explosion had taken place in the hands of the person who was standing close to Gloster's house, would he not run a considerable risk himself of being burnt?—I expect he would.

20,198. And probably then you would have seen some of his remains?—Yes, we did not though.

20,199. You did not see any of his remains, in point of fact?—No.

20,200. Can you give any further reason why you suppose anyone seriously intended to injure Gloster's house, than the reason you have already given?—Yes, I will tell you. You can put two theories if you like. The gable end of Glosters' house faced opposite to the point where the rifle was found; it was about five yards away. It was not further, I should think, where the rifle was. The men had evidently been lying down—one man at all events—behind the ditch, and either the dynamite exploded before they got to the house intentionally, or by accident, or it was exploded to attract Gloster's attention, and in expectation that Gloster would put his head through the window, and that they would then shoot at him.

20,201. This theory of yours is this, that the explosion was not done for the purpose of injuring Gloster's house, but for the simple purpose of getting Gloster to put his head out of the window?—I never said that all. What I say is you can accept, that either the dynamite exploded before they intended it to explode, or it was done on purpose to attract Gloster's attention.

20,202. You have given us two theories, both exceedingly vague, and of about the same value as all the other evidence that you have given?—I am sorry for that.

Re-examined by the ATTORNEY-GENERAL.

20,203. You spoke of the League being active. Just tell me what you mean by the League being active?—Meeting constantly and condemning the acts of various persons for grabbing farms, and working on evicted farms, and working for obnoxious landlords, and in various other ways.

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

20,204. Not always referring by name to particular individuals, but the passing of resolutions?—Yes, but referring sufficiently to individuals, that people in the neighbourhood would know very well who was meant.

20,205. You mentioned a man named Kelleher, I think you have answered this before, is that the same Kelleher you spoke of as being a member of the Land League?—In Dingle; yes, that is the man.

20,206. Have you yourself examined at all to try and trace out how many of the moonlighters were at various periods members of the League; have you gone through any place?—Yes, through private information, I have got a great deal.

20,207. You have not yourself compared any particulars other than where private information has been given to you?—No, I have not.

20,208. You spoke of a daylight murder of a man named Ryle, who was murdered in broad daylight, were you able to get evidence of that case?—Not one bit.

20,209. Did you find that even in such cases as outrages occurring under ordinary circumstances they would have been known, yet that in this you could get no evidence?—No evidence whatever—none whatever.

20,210. Now you have referred to a man named Ryan, Secretary of the Barraduff League; I think you said he was a man who was acquitted; was he acquitted or found guilty?—We did not bring him to trial, we could get no evidence.

20,211. You could get no evidence in that case either?—No.

20,212. You have been asked whether the persons' rents were raised for voting for Mr. Blennerhasset. Do you believe anything of the kind happened?—I do not believe such a thing would be done; I do not believe that Lord Ventry would do such a thing.

20,213. Now you have referred to information received prior to a raid at Shoonbrook; did you act upon the information in the sense of sending out to stop the outrage?—Yes, I did. I got the information and I sent out the police to intercept them, and actually came upon a party of them where there were to have been 20 of them on the raid, but only six turned up.

20,214. You mentioned a man named Murphy, have you any reason to believe that that man was a Land Leaguer?—Murphy of Coom; I do not think he was; I am not sure.

20,215. I am speaking of the Murphy who was arrested in that Shoonbrook League?—Yes, I believe he was.

20,216. Do you know what branch?—I believe the Glenflesk branch.

20,217. I think one of my learned friends asked you about the Coercion Act being passed, and the meetings being suppressed. Would the mere passing of an Act of Parliament suppress the organisation in the district?—Oh no, it takes a long time to bring a district into a state of peace—into comparative peace; it takes some months.

20,218. Speaking of this neighbourhood, was it, in your opinion, organised from a National League point of view in the years 1885 and 1886?—Oh! strongly organised.

20,219. Secret Societies and Ribbonmen were referred to: do you know what counties Ribbonmen and Ribbonism were mostly connected with in Ireland?—I believe in West Meath.

20,220. You have never heard of Ribbonmen in Killarney?—No, or in any part of Kerry at all.

20,221. We have heard of bogus outrages; were any of the bogus outrages reported by you as real outrages?—No, I always took very good care to enquire into them, and even subsequently, though they entered them in the book, and though they had gone forward, if other information came to my knowledge, even months later on, I used to have the outrages cancelled.

20,222. So that the returns, so far as you are concerned, is of genuine outrages, and not of bogus outrages?—Exactly. I think I omitted one thing here; in 1888 the return of the outrages was 36 up to October 1888—from January to the 1st October 1888 there were 36 outrages in the Killarney district, but I believe a great many have been committed since.

(The President.) Have you done with this witness?

(The Attorney-General.) I have. My learned friend Mr. Lockwood, in the course of this gentleman's evidence, read an article of the 28th August 1885, which was called

29 Nov. 1888.]

CHARLES GASTON CRANE.

[Continued.]

“Baptising in Blood.” I desire to read to your Lordships an article of the 18th September 1885 from the same paper, also a leading article called “Brilliant Moonlighting.” “There are occasionally some very dark deeds that go by the name of moonlighting committed in this county, but once in a while an incident in that way transpires, which would make people wish that the Moonlighters, if they consider themselves a national necessity, would always confine their efforts to crimes as pardonable as that which we have to chronicle to-day. Some 17 acres of oats, standing on an evicted farm in Ballynacelligott, was cut and carried off on Tuesday night, and all trace of it is lost to the rueful landlord since. Now this, of course, may be quite as much opposed to the law as more repulsive crimes, but we do not think that many outside the landlord’s circle will look upon it in any other light than a ‘smart’ affair in the Yankee acceptation of the word, and the expressions of condolence with the aggrieved will, outside this aforesaid little circle, be few and far between.”

(*Mr. T. Harrington.*) I understand that this report does not refer to this district. Would it not be better to have it read in connexion with some witness from the district, so that the circumstances might be got from the witness?

(*The President.*) Of course this was admitted, as I think Mr. Lockwood understood, because we thought it right that something occurring at the time should be read, showing disapprobation of outrages; then this is only being read in the opposite sense, to show that there were also, at the same time, matters tending in a different direction.

(*Mr. T. Harrington.*) The point of my observation is this: we were proceeding in a different district. I have no objection to this of course being read, but I merely suggest that it would be more convenient if the Attorney-General intended to examine any witness as to the district that this should be read then, and we could cross-examine the witness upon the circumstances whether these oats belonged to the tenant or to the landlord. It is merely a matter of convenience.

(*Mr. Lockwood.*) I think probably my learned friend’s suggestion is a good one; he has called your Lordship’s attention to the fact that it refers to a different district.

(*The President.*) Yes, this is used now in a general sense, and not in a particular sense.

(*The Attorney-General.*) It is to show to what extent reality of sorrow was attached to the previous expressions: “The police we are told are diligently searching for the corn, but have not succeeded in tracing it. This is not surprising, as they may be half smothered in it and not have the least suspicion that they were within the bray of the ass of it. We are now among those who devoutly hope they may find it, for there is something wholesome, though technically dishonest, in the lesson conveyed to landlords generally who may meditate a war with their rack-rented tenantry rather than recognise the necessity of the times and deal fairly with them. This property belongs to some maiden ladies of the name of Chute, and to a maiden Major brother of theirs, who for harmony is usually called Lady Chute. It was rack-rented, no doubt, and since the Land League agitation commenced, the relations between them and their tenantry have been the greatest cat-and-dog squabble in the county. A young fellow by the name of Goodman, a nephew of the Chutes, acts in the variable capacities of agent, bailiff, rent warner, and general emergency man to the estate, and though he seems to have resigned all ambition of any other trade or calling, and is seconded in his efforts at extracting rents by sundry shake-hands with the tenants from his aunts and uncles, and gracious enquiries after their welfare, the total amount realised out of this tenantry for the last few years would hardly suffice to float the Munster Bank. Had these people bowed to the inevitable and made some fair compromise with their tenants long ago, they would be much better off, and easier in their minds.”

(Adjourned for a short time.)

(*The Attorney-General.*) My Lords, in the course of Mr. Crane’s evidence he was stopped with reference to a resolution in “United Ireland,” of which he had not got a copy.

29 Nov. 1888.]

WILLIAM JAMES CRANE.

WILLIAM JAMES CRANE re-called.

(*The Attorney-General.*) Just listen, Mr. Crane, while I read this. It is the 16th January 1886 :—

“ Barraduff, County Kerry, Mr. Timothy Counihan, Poor Law Guardian,
 “ Vice-President, in the Chair. The following Resolutions were passed un-
 “ animously : That we condemn, in the strongest terms possible, the action of
 “ those landlords who are evicting their tenants in our locality for the non-
 “ payment of impossible rents in these depressed times, and we earnestly call upon
 “ the Government to protect Her Majesty’s subjects from their nefarious actions,
 “ and we also, in emphatic terms, condemn the action of a farmer for working on
 “ Garrett Fitzgerald’s evicted farm, and furthermore condemn those persons who
 “ hold intercourse with him, and aid him in his unmanly action.”

20,223. Who was the man who was working on Fitzgerald’s farm ?—Mr. William Williams, of Brestowfield.

20,224. Is that the resolution you referred to in “ United Ireland ” in your evidence in chief to-day ?—That was the resolution.

20,225. Was that followed by any threatening notices in the district ?—On the 17th January a notice was posted on the Glenflesk Chapel, and handed to me in the ordinary course of business by one of the constables.

20,226. (*The Attorney-General.*) I will read this, in the same paper :—

“ Glenflesk, Mr. P. Donoghue, Vice-President, in the Chair.”

Glenflesk is an adjoining parish ?—Glenflesk is an adjoining parish, where there is a branch of the League.

(*The Attorney-General.*) :—

“ Resolved, that any man who brings a charge against another without due
 “ foundation or with spiteful intent, is liable to expulsion. That we call upon all
 “ members to pay the Defence Fund to the collectors appointed for the purpose
 “ for next meeting, in order to strengthen us in the battle which is waged against
 “ us by the landlords. That we hold up H. A. Herbert and Lord Kenmare to all
 “ Ireland as specimens of the most heartless tyranny, while we applaud the
 “ conduct of their respective tenants who are not breaking the ring which they
 “ have so nobly maintained up to the present.”

20,227. Did any other men come to you in this district immediately after those two resolutions ?—Yes.

20,228. Who ?—A man named Cullotty, who lives near Headford.

(*Mr. Lockwood.*) I think my learned friend, the Attorney-General, forgets that this was in the evidence of William Williams, page 910.

20,229. (*The Attorney-General.*) I am obliged to you. I was not aware it was the same one, or I would have referred to it then. I do not think there was anything about Cullotty in that evidence.

(*To the Witness.*) Just go on, please ?—Cullotty was mentioned in a threatening notice.

(*Mr. Lockwood.*) Williams was the one I was referring to.

20,230. (*The Attorney-General.*) I will finish it in two questions. Immediately after that, or a few days after that, did Cullotty bring you a threatening notice ?—A threatening notice was submitted to me that had Cullotty’s name in it.

20,231. Did you give him protection ?—He asked for protection, and I gave it to him ; and he came to me about a month afterwards, and he said he did not want any more protection as he had joined the National League.

(*The Attorney-General.*) Then I put the “ Kerry Sentinel ” in of the 13th September 1881. At a land and labour meeting was held under the auspices of the Castleisland Land League, and among the persons present were the Reverend J. O’Reardon. Of course my learned friend can read anything he wishes, but I wish to read this on the third page in the third column. It is the Reverend Jeremiah O’Reardon’s speech :—

“ He came there to unite with the people in welcoming the ‘ suspects ’ who
 “ were so cruelly incarcerated for being peaceful citizens and advocates of land

29 Nov. 1888.]

WILLIAM JAMES CRANE.

[Continued.]

“ reform. He was glad to see that the seed he helped to sow was bearing fruit in the shape of a Land Act, and when they would be threshing it they would leave very few grains to the landlord (laughter and cheers). But a great deal more remains to be done before the farmer owns the land he tills. They should fight the peaceable fight, and no man should go in by the back stairs to the rent office (a voice ‘They’re going in after nightfall’). He should think there were plenty ‘night boys’ not to see them (cheers, and a voice ‘They are guarded by police’). In the meantime the farmer should help the labourer by every means. They were before the walls of a citadel, and they had got 15 years to storm it; but he thought 15 months would be enough. In that time they ought to be able to drive the landlords off the scene, and he knew well Irishmen would never stop until they drove the landlords and the English out of Ireland (cheers).”

If my friend wishes to read any more he can do so.

(*Mr. Lockwood.*) Well, you have only just called my attention to it.

(*Mr. Harrington.*) That is not part of Mr. O’Reardon’s speech.

(*The Attorney-General.*) I am much obliged for the correction. It is the Reverend Arthur Murphy. It is the same meeting Mr. Jeremiah O’Reardon, who was the treasurer, seconded the resolution, and I thought it was his speech. It appears it was a speech of the Reverend Arthur Murphy at the same meeting.

(*Mr. Justice A. L. Smith.*) Is that the Castleisland man?

(*Mr. Lockwood.*) It is one of the speeches, if I remember rightly, that was opened by my learned friend, and in Huggin’s evidence also it was mentioned.

(*The Attorney-General.*) It is the Castleisland man, my Lord.

Inspector WILLIAM HENRY RICE recalled, examined by the ATTORNEY-GENERAL.

20,232. I think you have already been sworn?—Yes.

20,233. I called you yesterday to produce some documents. Are you District Inspector of the Royal Irish Constabulary?—Yes.

20,234. You are at present in charge of the Castleisland District, county Kerry?—Yes.

20,235. How long have you been in the constabulary?—I have been in the constabulary 18 years.

20,236. Practically from 1870 to 1888?—Yes.

20,237. What districts from 1880?—I joined the Listowel district in 1883.

20,238. I asked what districts in 1880?—I was in the north of Ireland, in County Down, from 1880 to 1886.

20,239. And where in 1886?—I came to Listowel in 1886. Previous to that I had been in County Down and in Dublin, in the dépôt there.

20,240. Up to how long had you remained at Listowel?—I remained at Listowel from August 1886 to May 1887.

20,241. Before I go to that, I want to ask you where were you from 1870 to 1880?—In County Down.

20,242. All the time?—All the time.

20,243. Prior to the Land League organization, had you ever heard of persons being denounced for landgrabbing?—I never did.

20,244. Did you ever hear of a person being outraged for paying rent?—Never, to my recollection.

20,245. Nor for taking an evicted farm?—Not to my knowledge that I remember.

20,246. Prior to 1880, when offences occurred in the district in which you were, was there difficulty in getting evidence to convict the criminals?—Oh, no. In the north of Ireland it was easy enough getting evidence; people were inclined to tell the truth about the matter.

20,247. I do not mean to say you discovered all, but you were able to get some clue to the commission of crime?—Yes.

20,248. What was the condition of the Listowel district when you went to it?—I found it in a very disturbed state.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,249. I do not think you actually succeeded Mr. Crane?—No.

20,250. There was somebody in between the two?—Yes.

20,251. What do you say as to the National League at that time; was it powerful in the district or not?—Well, I found it very powerful, particularly about Listowel.

20,252. Had you at all at any time to protect the sheriff?—Oh, yes.

20,253. What sort of a number of policemen were required?—I have had up to 60 men protecting the sheriff at a seizure.

20,254. Did you see anybody who used to give the notice that evictions were about to take place and gather a crowd together with a horn?—Yes.

20,255. Who?—The man who principally acted in that way was a man named Maurice Murphy.

20,256. Had he anything to do with the National League?—Yes, he was the secretary of the League.

20,257. Where?—Of the Listowel branch of the League.

20,258. Just explain a little further what he used to do; used he to go out on a horse?—He used to go out on horseback, used to watch the barracks very sharply, himself and others, as to the bailiff going there, and then when they would find out when the constabulary would be getting ready to come out on duty, he would rush off on a horse or sometimes in a car, and rode out to the locality the bailiff would be going to, and where I would be protecting him, blowing horns.

20,259. Have you seen that man Murphy doing that more than once?—I have, indeed.

20,260. Were there any other persons who did the same kind of service?—There were others.

20,261. I do not want you to give it unless you are able. Tell us from any information given to you at the time. Was there anybody else connected with the National League that did the same kind of thing?—Well, I am not able to say that they worked actually with the League.

20,262. Did you ever arrest Murphy in the very act?—Yes. He was arrested one morning by my orders for blowing the horn, and I have that horn at home yet.

20,263. I want to know distinctly from you, had he been in the habit of blowing that horn to collect the people?—Yes, several times.

20,264. Did they collect after the horn blew?—They did. Large crowds collected.

20,265. There were no hunting operations going on, or anything of that kind?—No, nothing but hunting the cattle.

20,266. When the horn was blown, was there any other signal given—the chapel bell?—I heard the chapel bell ring there above time.

20,267. At the same time as the horn?—Yes, the horn blowing and the chapel bell ringing.

20,268. And then the people used to gather together?—Yes, they used to gather, large crowds, and sometimes they rescued the cattle, and sometimes they did not.

20,269. You mean they rescued the cattle from the sheriff?—Yes.

20,270. How long should you say the National League continued having hold on this district, and you say moonlighting?—I found the hold gradually lessening when I left the district.

20,271. When was that?—I left it in July 1887.

20,272. You investigated, I believe, several outrages yourself?—I did.

20,273. And endeavoured, so far as you could, to ascertain the cause of why the people were outraged?—Yes.

20,274. The Listowel Book is here, if you wish to follow me, Mr. Lockwood. Do you remember on the 10th August 1886 anything happening to a dwelling of a man of the name of Murphy?—Yes.

(Mr. Lockwood.) Is that at Listowel?

(The Attorney-General.) At Listowel; when I say at Listowel, I give you the name of the place, Firinge.

20,275. Near Listowel?—Near Listowel.

20,276. Was his house burnt to the ground?—It was, indeed.

20,277. What, as far you could investigate, was the cause of that?—I investigated the matter; I had a long conversation with Murphy himself on the matter, and he told me—

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

(Mr. Lockwood.) I object.

20,278. (*The Attorney-General.*) What, as far as you could ascertain, had he done?—He had lent a mowing machine.

20,279. To whom?—To a neighbour, to cut his meadow.

20,280. Do you know who that neighbour was?—No, I have not it.

20,281. Do you know whether any of the National League at Listowel had done anything previous to that with reference to these machines?—I was told —

20,282. You only know what you were told. Except lending this mowing machine, could you find out that the man had done anything to offend anybody?—No, that was the cause, I satisfied my own mind about that.

20,283. On the 15th of the same month, was the dwelling-house of a man named Edmund Donnelly burnt to the ground?—It was.

20,284. What had that man done, as far as you could ascertain?—The same offence.

20,285. Was that also lending a mowing machine?—Yes, lending a mowing machine.

20,286. The 22nd August 1886; were the houses of four farmers entered. They were.

20,287. I think four on the same night?—Yes.

20,288. What did you ascertain as to what those men had done, or were suspected of doing?—They had done nothing, but they were warned not to pay rent.

(Mr. Lockwood.) I again object, my Lords.

(The President.) What have you got in the book?

(Mr. Lockwood.) The last one I have not got to. I have it now.

(The Attorney-General.) The 23rd August 1886, what is in the book; it is in the Observation column, on the right-hand side.

(Mr. Lockwood.) Yes, I will read it. My Lords, this is the last matter referred to:—"On the morning of the 23rd August 1886, a party of about twelve men, some "armed, and all disguised, entered the houses of Patrick Finucane and Michael "Carmody, and warned them not to pay rent, unless they got 35 per cent. of a "reduction. They took a single barrel gun from the house of Thomas Lyons, and "Mary O'Connor. The guns were given up peaceably to them on demand." That is the entry.

(The Attorney-General.) I will take nothing but what is in the entry; if you will pass me the book for a moment, I will go back to the other two.

20,289. (*The President to the Witness.*) What have you there?—I have the kind of proof the same as the Attorney-General has, but not the corrected one.

(Mr. Lockwood.) This is one of the class of books that my learned friends and I have always admitted, and not objected to; I was going to suggest that it is unnecessary that this gentleman should be reading it over now, I take it from my learned friend

20,290. (*The President.*) I was seeking to get you in possession of the book.(The Witness.) I would much prefer to have the book indeed than this (*referring to his list*).20,291. (*The Attorney-General.*) Well, Mr. Rice, take it please, and go back to the 10th August 1886, the top of the page, that is James Murphy, read the right-hand column?—"Murphy employed a mowing machine to cut down part of his meadow, "having previously employed mowers. On the second day of using the machine he "found a gate leading into his meadow broken, and stones strewed amongst the "uncut grass, because he employed the machine contrary to the resolution of the "National League, Listowel Branch, who passed a resolution forbidding farmers to "cut by machines. Awarded 91*l.* 16*s.* 0*d.* at the Odorney Presentment Sessions, held "on the 1st November 1886."

20,292. That is not the burning down of the house one?—No, the 10th August 1886 you said.

20,293. You are quite right and I am wrong, but I did not notice that he set out in the list the setting fire to a dwelling. Now, on the 15th August Edmund Kennelly, the one I read to you before, I will just repeat as much as is necessary, "burning of a "dwelling-house"; now the motive column?—"Edmund Kennelly lent his mowing "machine to a neighbouring farmer, contrary to the resolution of the National League "forbidding such, although Kennelly is a member. Four nights afterwards his "dwelling-house was found on fire, and was totally consumed, with much furniture.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

"He had the house insured for 290*l.*; awarded 100*l.* at Listowel Presentment Sessions on the 2nd November 1886."

20,294. Just attend to me; did you at that time in the month of August observe any quantity of hay uncut in several farmers' fields?—I did.

20,295. That is to say, not being properly harvested, but going to waste?—Yes, going past the season of cutting.

20,296. Will you listen to this, Mr. Lockwood, because you may object; did you have a conversation with those farmers as to why their hay had not been cut?—I did.

(*Mr. Lockwood.*) I object; I do not think it is quite fair that my learned friend should put me to the objection.

(*The President.*) I do not think you need object, because you have, I am bound to say, facilitated this course, and this was an appeal to you in that sense.

20,297. (*The Attorney-General.*) I only called your attention to it, because I can bring the people over if necessary, but I propose to offer to you the option of having it proved to you in this way. Then there is the 27th August 1886 about warning people not to pay any rent. That Mr. Lockwood read. On the 23rd August 1886 a three-year-old bullock, the property of the Land Corporation was driven off and slaughtered?—Yes, the 23rd August.

20,298. Read the entry?—"On the 23rd August 1886 a three-year-old bullock, the property of the Land Corporation, found to be missing off the land of Cloughboola. It was seen by the caretaker on the previous evening. The police searched the adjacent mountains and bogs for several days, but found no trace until the 31st August 1886, when Sergeant Drohan, of Knocknagoshel, found portions of skin and bone in townland of Meenbanavin, which are supposed to belong to the missing animal, which it is believed was driven off and slaughtered. The Land Corporation hold evicted farms, and is very unpopular. Awarded 10*l.* at the Odorney Presentment Sessions, 1st November 1886.

20,299. I think you have already said that the Land Corporation occupied an evicted farm?—Yes.

20,300. We pass the next one. Then on the 13th September 1886 two acres of oats of Wilson Gunn; what was that. "On the night of the 12th or the morning of the 13th September 1886, about two acres of oats on the farm from which Bartholomew Flahive was evicted were found to have been cut down, and about half of it bound and carried away. The police searched the country, and found the oats stocked in fields belonging to a neighbouring farmer. The landlord, by his agent, lodged information, and has claimed 18*l.* compensation." Was that an evicted farm belonging to Mr. Gunn?—Yes, I traced that corn myself to the neighbouring fields.

20,301. On the 23rd September 1886 did the police meet an armed party of moonlighters?—Yes; they came in contact with a party of moonlighters.

20,302. Did they capture one of them?—There were two of them captured.

20,303. Who were they?—A man named Mahoney and a man named Griffen.

20,304. Were they people in the district?—Mahoney belonged to Castleisland. Griffen belonged to a place about two miles from the scene of the outrage.

20,305. Do you know whether either Mahoney or Griffen were members of the Land League?—I cannot say.

20,306. You do not know?—I do not know; they were prosecuted and convicted.

20,307. On the 9th October 1886?

(*Mr. Lockwood.*) This one we have had, and we had it also in the evidence that Mahoney was a labourer, and Griffen was a slater.

20,308. (*The Attorney-General.*) The 9th October 1886, two more bullocks, the property of the Land Corporation, driven off and slaughtered?—Yes.

20,309. The 20th October 1886, a large number of cattle seized by the sheriffs' bailiff and rescued?—I would not have that here.

20,310. Why is that?—What is the entry?

20,311. "20th October 1886, number of cattle seized by the sheriffs' bailiff"?—That would not be on outrage.

20,312. I just ask you that, do you remember that?—I do.

20,313. (*The President.*) Why would it not be in the book?—I did not report it as an outrage at the time.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,314. (*The Attorney-General.*) It is an occurrence?—An occurrence.

20,315. The crowd seized the cattle actually in possession of the sheriff?—Yes.

20,316. Do you know whether on that occasion Maurice Murphy had been out?—I cannot say.

20,317. On the 14th November 1886, the police fired at, but I think not able to identify any person?—Yes, there were two men arrested for that, and they were acquitted in Cork.

20,318. What were their names?—Timothy Scanlan and William Sullivan.

20,319. 18th December 1886, rick of hay, Hurst Evans and Curling of Moybella?—Yes.

20,320. What farm was that on?—That was a farm at Moybella, an evicted farm.

20,321. Caretaker on the farm?—There was a caretaker protected by two police there.

20,322. And that rick of hay was set fire to and burnt down?—Burnt down.

20,323. On the 12th March 1887, attacking Mrs. O'Halloran?—Yes.

20,324. Just read the entry as to that, please?—"Police patrol observed a large party of men, about 30, in the yard of Mrs. O'Halloran, some of them had arms. Police fired at them and made one prisoner. Moonlighters returned the fire and wounded Head Constable Concannon and Constable Kelly. Prisoner tried and acquitted at Tralee Assizes on the 14th July 1887."

20,325. I do not know whether that is the same one in reference to where some demand was made on O'Halloran; is there any entry of that?—Not here, but I know it.

20,326. Tell us what you know?—This party of men entered O'Halloran's house, and questioned him as to his belonging to the Land League. He said he had belonged to the Land League, and then they asked him did he belong to the National League, and he said he did not, so far as I recollect. They then asked him about paying his rent, and he said he had paid his rent, but he had got the usual reduction, and then firing commenced outside, and they had a regular pitched battle.

20,327. 28th March 1877, National School of John Curtin?—Yes, the schoolmaster.

20,328. Read the entry please?—"Six men armed and disguised entered Curtin's school; he was absent, but his sister was there. Some shots were fired. Curtin suspected of giving information to the police." I visited that school myself.

20,329. And saw the shots?—Oh, yes, the holes.

20,330. Was that school boycotted after that time?—After that it was boycotted.

20,331. For how long?—For some months; for a very considerable time after that it was boycotted.

20,332. Were John Curtin and his wife fired at later on?—Indeed they were, and wounded.

20,333. Driving to mass in December 1877, I believe?—Yes, in December 1887; it is not in this book?—Yes, it is, but it was after my time.

20,334. Had he to have police protection?—Yes; now in my neighbourhood there is a police hut established near his house, and the man has to be protected going to places of worship, and everywhere.

20,335. On the 17th December 1877 Mr. Drummond's plantation was burnt down?—Yes.

20,336. Tell me in that time, from August 1886 to May 1887, that is a period of nine months, what the total amount of outrages were, and in particular in Listowel district what was the character of them from August 1886 to May 1887; is that the right date?—From August 1886 to May 1887—the number of outrages, you say?

20,337. Yes?—Well, there were threatening letters.

20,338. How many?—Threatening letters, five; incendiary fires, five; firing into dwelling-houses, three; raids for arms, 12; intimidation, six; firing at police, three; malicious injuries, five; cattle stealing, five.

20,339. When you say "malicious injury," is that malicious injury to the person?—No, to property—knocking down hay.

20,340. Were you in Castleisland after the 17th May 1887?—Yes.

20,341. That was after Mr. Davis had left, I think?—Yes, I replaced him there.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,342. (*The Attorney-General.*) I really think I ought not to go into the details of the outrages after that date. There were a very large number of outrages in the year 1887 in the Castleisland district, of which you are prepared to give the particulars, if necessary?—Yes.

20,343. You have been in this force 18 years; do you know except the Land League and the National League, any organisation that preached against payment of rent or taking evicted farms, at any time?—Never, that I ever have heard.

20,344. Then, in your opinion, the people who did these outrages, were they connected with the Land League, or were they connected with the National League?

(*Mr. Lockwood.*) I object. I understood your Lordships to rule in favour of my objection before.

20,345. (*The Attorney-General.*) I will put it in another way; was there any secret society in the part of Listowel which you have referred to, unconnected with the Land League?—The Moonlighters' Society was the only one I had to deal with there.

20,346. Were they, in your opinion, unconnected with the Land League or not?—In my opinion they were connected with the Land League organisation, or the National League; it was the National League in my time.

20,347. You say they were connected with the National League organisation?—I have always understood and believed them to be so connected.

20,348. Will you state the grounds of that belief and understanding?—My reason for arriving at that conclusion was that I saw them carrying out the behests.

20,349. (*Mr. Lockwood.*) Saw what?

(*The Attorney-General.*) The moonlighters.

(*Mr. Lockwood.*) He was not present at the moonlight raids.

(*The Witness.*) I found them —

(*Mr. Lockwood.*) I must object. It is perfectly evident from the witness's own statement that he is merely telling us a conclusion that he came to after the outrages.

(*The Attorney-General.*) My learned friend, Sir Charles Russell, in cross-examination, has suggested to numbers of these police officers this: Do not you believe that the moonlighting, independent of the Land League, was the cause of these outrages, and I humbly submit that this gentleman is entitled to give his account of the matter.

(*Mr. Lockwood.*) That does not entitle my learned friend to ask the question. I am sure I am very anxious to save the time of all of us if I can, but I cannot permit my learned friend to put such a palpably irregular question as this.

(*The President.*) That is the question.

(*The Attorney-General.*) It is for my Lords to say that.

(*The President.*) The last witness gave substantially the same answer, and without any objection, he says that the moonlighting carried out what he called the "resolutions," this witness has substituted the word "behests," that is a mere statement of fact, though, no doubt, it involves in his mind the cause and effect, but that is what the effect of the evidence is; he says that moonlighting infers the non-payment of rent, and the Land League and the National League, as he says, denounces the payment of rent.

20,350. (*The Attorney-General.*) Now I will put this question to you. Did you investigate these things as fairly as you could?—I did.

20,351. Did you find any trace of any organisation independently of the National League?—I cannot say I did. I found the moonlighters whom I consider to be a part of that system.

20,352. Were there any Ribbonmen in that neighbourhood?—Not that I know of.

20,353. You never heard of Ribbonmen in Kerry, did you?—Not in Kerry.

20,354. You gave us yesterday the account of that Cork incident; I need not go into that again.

Cross-examined by Mr. Lockwood.

20,355. On this point you have just been asked about Mr. Rice, as I gathered your answer; you seemed to answer fairly enough to me; do you suggest that in your

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

opinion the moonlighters who were engaged in outrage were carrying out the behests of the Land League?—Well, I do.

20,356. Will you tell me what ground you have for that suggestion?—Well, take the case of those farms now.

20,357. Which farms?—Evicted farms.

20,358. Which evicted farms?—Evicted farms generally; the subject of evicted farms generally.

20,359. Then you see if you take evicted farms generally, you will then only give me again a general impression which you formed. I want, if I can, to get to the ground-work upon which you have formed that impression, or rather which has led you to form that impression. Give me, if you can, the names of persons and the dates of evictions which justify your conclusion; can you do that?—"Evictions." I am not talking of evictions at all.

20,360. Outrages I mean. Give me the dates of outrages, and the names of persons which justify your opinion?—Well, I cannot at this instant perhaps refer to any particular case which would perhaps meet your view.

20,361. I will take that answer?—But the general question remains the same to my mind.

20,362. I see you cannot give the reasons, but you are still of the same opinion?—Yes.

20,363. That is the best explanation you can give me of the opinion which you formed?—Well, I cannot point to any particular resolution about Castleisland there, but I find happening——

20,364. Let me explain what I mean to you. You have made, as I daresay you realise, a very grave accusation. Now, I want to know whether you can substantiate that accusation by giving me either the names of persons or the dates of outrages to justify it?—I can give you plenty of dates of outrage.

20,365. Yes, but I think you follow what I mean. I do not mean to ask you to go through that catalogue of crime again, but to give me dates of outrages and names of persons which formed the ground of the opinion you have expressed?—Well, see now, take that case which is just before me.

20,366. Tell me what it is?

(*The Attorney-General.*) Let him go on.

(*Mr. Lockwood.*) Surely I am entitled to know what case he is referring to?—Take the case of Evans and Curley. That is an evicted farm. We all know persons having anything to do with evicted farms have been denounced over and over again in leagues. That is a matter which is notorious. There is the hay burnt on that evicted farm. How is it, it was not burnt on the farm adjoining.

20,367. Go on. Is that all you wish to say?—In answer to that question.

20,368. Is that all you wish to say about that?—No, I can give you 20 more instances.

20,369. Of the same kind?—Something similar. Take the case of the cattle at the evicted farms on the mountain—the Land Corporation. Well, they are evicted farms also. The cattle are taken off those farms and slaughtered, and I have, myself, traced those cattle up to six and seven miles from where they were taken off the farms till I found them slaughtered. They were not slaughtered off a man's farm adjoining, which was not an evicted farm.

20,370. Do you wish to add anything more on that head?—If you wish.

20,371. I wish you to tell my Lord the groundwork for the opinion which you have expressed?—Well, I think I am getting on very well.

20,372. I am glad, Sir, that you hold that good opinion of yourself?—I am trying to do so, indeed. Take those two farms that we spoke about originally, the hay. There could not be better illustrations. I cannot say there was a resolution of the League passed. I am not able to say that, but I was told it by persons who certainly appeared to me to have a very keen knowledge of it, the men whose property was burnt.

20,373. What are you referring to?—Those two burnings of hay; burnings of houses.

20,374. Give me the date of that?—The date of that was immediately after my going to Listowel. They made a very deep impression on my mind, 10th of August.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

Take the house of James Murphy. Murphy's house was burnt down, burnt to the ground. Well, Murphy told me——

20,375. No, I am not asking you what anybody told you.

(*The Attorney-General.*) Forgive me, you are asking the grounds of his belief, and you have no right to stop him?—I had grounds for forming my belief. It was not formed in a day.

(*Mr. Lockwood.*) I submit this witness is not entitled to put upon me a conversation relating to a resolution. If he suggests that any outrage was the direct outcome of a resolution, I surely am entitled to call upon him to point to the resolution to which he refers.

(*Mr. Justice A. L. Smith.*) How can he get at the resolution?

(*Mr. Lockwood.*) He can get at it in this way, because the resolutions of the League were published from time to time. That we know.

(*Mr. Justice A. L. Smith.*) I do not know it, if you ask me. Certain resolutions were published, undoubtedly, but I do not know yet that they all were published. That is all. I do not want to say anything more.

(*Mr. Lockwood.*) Exactly. As I understand it, it was practically admitted by my learned friend. I understood your Lordships' had had it pointed out to you, that the resolutions of the League were published from time to time.

(*The Attorney-General.*) There is no admission that I am aware, that all the resolutions of the League were published, or anything like it.

(*Mr. Lockwood.*) At any rate that does not entitle him——

(*The President.*) Mr. Lockwood, I certainly think you have gone beyond the limit which would restrain him from giving the grounds of his opinion. I thought you were asking him upon what ground he thought himself justified in asserting the connexion between the League and the moonlighters.

(*Mr. Lockwood.*) What I put to him was to give me the names of persons, and the dates of the outrages which he connected in this way. But if your Lordship thinks he is entitled to give an explanation, by all means let him give it.

(*The President.*) Yes.

20,376. (*Mr. Lockwood.*) Go on. You were telling me you had a conversation, or you derived some information in the course of a conversation. I interrupted you. Tell me what it was?—I had a conversation with this man myself, and he told me that this resolution had been passed.

20,377. What resolution?—This resolution, that no farmer was to lend his mowing machine to a neighbour, and he even told me further that they went so far as to say that a man who had a mowing machine, they would permit him to use it, but he was not to lend it or send it out on hire. Then his house was burnt down because he does lend it.

20,378. Is that the whole conversation?—Oh, no.

20,379. Is that the conversation you wish to give?—That is certainly the kernel of it.

20,380. I do not want to appear to be interrupting you. Have you given the whole of it?—I have given the substance of the conversation.

20,381. Now did you know that moonlighters existed and carried out their raids long before the formation of either National or Land Leagues?—I never heard the term moonlighters before the Land League organisation sprang up.

20,382. By what names did you know these secret societies before the existence of the leagues?—Well, I remember when I was a little boy, hearing of Ribbonmen; such an association as Ribbonmen. I heard that association named.

20,383. What others?—And Fenians later on.

20,384. And during the time that you were in the police force, did you hear of these secret societies by these names?—I have heard of those names since I was a boy.

20,385. Have you never heard the term moonlighting applied to their raids before the establishment of the leagues?—Never.

20,386. In none of the districts in which you have been?—In none of the districts in which I have been or before I joined the Constabulary at all.

20,387. I want to ask you as to one portion of your district. I think Killorglin is in your district, is it not?—No, it is not; it is a separate district. It is in the same county, but a separate police district.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,388. How far was Killorglin from the district in which you were engaged?—From Castleisland I suppose it is about 13 miles or so.

20,389. Were you acquainted with that district?—No, not at all acquainted with it.

20,390. Who is acquainted with this district of Killorglin?—There are several people acquainted with it. There is a district inspector, Mr. Morrison, who, I would say, would be acquainted with it.

20,391. I have asked for him, and I am told he is not here. Give me the names of some others?—His head constable should have a knowledge of it.

20,392. Is he here?—I do not think he is. I have not seen him.

20,393. Can you give me the name of any officer or person connected with your force who is here, who is acquainted with this district of Killorglin?—I cannot. I do not know that there is any person here acquainted with that district.

20,394. Do you know enough of that district to know that in that district exists one of the strongest and most influential branches of the League—did exist, rather I should put it, one of the strongest and most influential branches of the Land League?—I am not able to say that.

20,395. You do not know?—No.

20,396. I put it with regard to the Land League. I put it also with regard to the National League?—I cannot answer either of the two questions, but I have seen plenty of moonlighters in that district.

20,397. You say you have seen plenty of moonlighters?—Yes, at a trial in Cork. I have seen several batches of them there from that district.

20,398. Do you suggest that there has been outrage in that district of Killorglin?—Well, there were, for I saw men on trial from that district at Cork.

20,399. Do you suggest there has ever been outrage in that district of Killorglin?—I am sure there have been outrages in that district of Killorglin, because I have seen the men on trial at the Cork Assizes from that district.

20,400. Do you mean you have known men convicted of outrage from that district? Do you know of men who have been convicted of outrage, similar to the outrages of which you have been speaking, in Killorglin?—I say I have seen men on trial in court, some of whom were convicted for outrage from that district.

20,401. Give me the name of any person who within your experience has been convicted of outrage in Killorglin?—I cannot give you the names now, because I have no record at all. I merely saw them in the dock at Cork. I know that they were from Killorglin district because Morrison was with me in court. He was concerned in the trial.

20,402. Can you give me the date of any trial when you suggest persons were tried and convicted for outrage in Killorglin?—I cannot give the dates at present. I think there were some at the winter assizes in 1886, for Mr. Morrison was there, December 1886. I am sure he was there with me at that time, but other than that, I know nothing about Killorglin.

20,403. Who are the principal landowners in the district in which you were stationed, Listowel?—There is Lord Ormathwaite, Lord Listowel, Mr. Hickey, Mr. Collis Sandes.

20,404. Was Mr. Sandes a landowner or an agent, or both?—There is a Mr. Sandes a landowner there, and a Mr. Sandes a land agent also. Mr. Douglas, Mr. Wilson Gunn, and Mr. Brown. I think those are about the principal landowners in that part of the country.

20,405. Did you know Mr. Sandes who was an agent in that district?—Yes.

20,406. Was he the principal land agent in the district of Listowel?—He is one of the principal land agents.

20,407. Who is he agent for?—He is agent for Lord Ormathwaite, I know, and I think he is also agent for Mr. Collis Sandes, if I do not mistake.

20,408. Was Mr. Sandes acting as agent in that district when you first got there?—He was.

20,409. When you first got there; that would be in 1886?—Yes.

20,410. The tenants at that time, I suppose, had taken advantage of the Land Court to a considerable extent?—Some of them had, as well as I remember.

20,411. Do you know that a great many of the tenants (take Lord Ormathwaite's case) had taken advantage of the Land Court?—I am not able to tell you the number. I believe some of them had.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,412. Do you know any of them by name?—Well, I really cannot recall their names now. I remember some of them. There was a man named Naughton.

20,413. I will read some names to you. Tell me if you know these persons as being tenants of Lord Ormathwaite's:—James Lynch, Cornelius Keane——?—Give me the townland.

20,414. James Lynch of Tullamore?—I think Tullamore is Lord Ormathwaite's property.

20,415. If you will kindly answer and say yes, you know them as tenants, I will pass on. James Lynch, of Tullamore?—I cannot say that.

20,416. Cornelius Keane, of Tullamore?—I cannot say that.

20,417. Daniel Lyons, of Ballyhorgan?—I cannot remember Daniel Lyons.

20,418. John Horgan, of the same place?—I cannot remember.

20,419. Michael Rahilly?

(*The President.*) What is the object of this?

(*Mr. Lockwood.*) My Lord, I want, if I can, to get from this gentleman information with regard to the reductions of rent.

(*The Witness.*) Well, you need not proceed any further.

(*Mr. Lockwood.*) Will you please permit me to answer my Lord?

(*The Witness.*) I could not give it you.

(*Mr. Lockwood.*) Will you please permit me to answer my Lord. I was anxious to obtain from him information with regard to reduction of rent. I cannot lose sight, my Lord, however irregular the interruption was, of his statement that he knows nothing whatever about it. Therefore I will not trouble your Lordship further with it. We shall have other opportunities, I have no doubt.

(*The President.*) Yes.

20,420. (*Mr. Lockwood.*) But you must not think, because I adopt it, that I approve of your interruption?—Well, it was really to save you the trouble that I did it.

(*Mr. Lockwood.*) I think that is all I have to ask you.

Cross-examined by Mr. ASQUITH.

20,421. You came to Listowel in August 1886?—Yes.

20,422. And, as I understand, you were only in the district nine months?—About that. That was up to May 1887.

20,423. Had you up to that time had any previous experience as a police officer of Kerry or of the south of Ireland?—No.

20,424. Had you been entirely in Ulster?—Yes, in Ulster and Dublin.

Cross-examined by Mr. HARRINGTON.

20,425. You stated that you knew no organisation except the Land League to pass resolutions against the payment of rents. Can you tell me any instance where you have known a branch of the National League to pass such a resolution?—I should like you to ask the question again, Mr. Harrington, please.

20,426. You stated, I think, in reply to the Attorney-General, that you knew no organization to pass resolutions against the payment of rent except the National League?—I did not use those words.

20,427. What?—I never used those words.

(*The President.*) I think the expression was "preaching."

(*Mr. Harrington.*) Yes, my Lord. I will use the word "preaching."

20,428. Did you, in reply to the Attorney-General, say that you knew no organization except the National League that was preaching against the payment of rent?—Yes, and I would say the same again.

20,429. You did say that?—I say that I did not use the word. You said "preaching against the payment of rent." I did not remember that particular form, "paying of rent": that would mean all rent.

20,430. Exactly; and that is precisely my objection to the Attorney's-General's question. I do not think the question was quite fair as regards the National League. Now, can you point to any definite instance in which you knew the National League

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

or any branch of the National League, to preach against the payment of rent?—Oh, I cannot call to mind any resolution at the present time saying about the payment of rent; but I have known resolutions passed or heard of them at least and read them in the paper at the time about rents should not be paid unless reductions were got and all that kind of thing, and the “No Rent” manifesto; I course, I remember that document appearing.

20,431. We are speaking now of the National League. Are you aware the National League was not established at the time of the “No Rent” manifesto?—Well, I am not able exactly to say whether it was established at the time or not. I have no record of the time; but I remember the document.

20,432. But I suppose you know something of the public events taking place in the country. Have you any knowledge whether the National League was established after the “No Rent” manifesto or before it?—Well, I really cannot tell you the time.

20,433. In any districts you have been in in Kerry, can you point to any instance of a resolution adopted at the branch of the League preaching against the payment of rent?—I cannot.

20,434. Can you point to any resolution adopted at a branch of the League as distinguished from meetings of the tenants themselves?—I cannot.

20,435. Listen to my question for a moment. Can you point to any instance of a resolution adopted at a branch of the League as distinguished from a meeting of the tenants on a particular estate where the resolution preached against the payment of rent without reduction?—I am not able to recall to memory one at the present time. I have no record of it here. I am not able to point to it.

20,436. When you went to Listowel, you said, I think, you found the district pretty disturbed?—It was.

20,437. Do you know Mr. George Sandes of Listowel?—Yes.

20,438. How long have you ascertained that Mr. George Sandes has been under police protection?—He has been under protection—I do not remember the time, but I know he was under protection since I went there, and I left him under police protection.

20,439. Will you swear the records of the barrack do not show he was under police protection in 1871?—Oh, I could not tell you, Mr. Harrington; I never looked into the question. I am sure the records would show.

20,440. You said something about carrying out the behests of the National League. Can you point to any single definite instance where you heard, by information, that the National League directed moonlighters, or any other persons, to commit an outrage?—Oh, no.

20,441. Even by secret information?—Oh, no; “directed,” I should certainly say not.

20,442. You have no instance now, either in Castleisland or in Listowel, where, even by private information, you ever learned the fact that the National League directed outrage?—Oh, no.

20,443. Your inference has been drawn altogether from the occurrence and the fact of the outrage being connected with the agrarian question, while the National League meetings were also connected with the agrarian question?—Well, they followed so regularly upon the usual lines upon which the resolutions, and the speeches, and the general drift of their language followed. They followed directly upon that path.

20,444. And it is merely an inference of your own, but founded upon no information?—It is an inference of my own, founded upon my observation.

20,445. I asked the question “upon no information”?—Oh, no.

20,446. You were asked early in your examination by the Attorney-General whether you ever knew any instance of persons being threatened or injured for the taking of evicted farms, and you carefully guarded yourself, I think, in your answer that it did not come under your own observation. Now, did you know of instances of that kind before the Land League or National League were established in Ireland?—Well, the only instance I ever can remember, as long as I remember—when I was a little boy, I remember one brother taking a farm.

20,447. From which another brother had been evicted?—Of which his brother, I believe, was the joint owner, and I remember that man being shot.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,448. When was that?—That was when I was a little boy; I do not remember at all.

20,449. I do not mind asking you the time when you were a little boy. Will you tell us where it occurred?—It occurred in the county Longford, a great many years ago.

20,450. You know something of the county of Longford: that is pretty near Roscommon, I believe?—It is a border county.

20,451. Do you remember anything of the shooting of Mr. Young there in 1878?—No, I do not.

20,452. You do not remember that you heard it?—No, I do not remember that I ever heard of it.

20,453. You did not know Mr. Young?—No.

20,454. He was not connected with the district?—No, I never heard of the name till you mentioned it.

Cross-examined by Mr. DAVITT.

20,455. Were you in county Down in 1880?—Yes; I left it in 1880. I left it in March 1880, I think.

20,456. Do you know whether there was any tenants' association of any kind in county Down in those years?—No.

20,457. Farmers' association?—No, not to my knowledge.

20,458. Did you attend any meeting that I addressed in county Down in 1880?—No, Mr. Davitt, I did not.

20,459. Did you hear that I had addressed meetings there in Downpatrick?—Well, it was after I left it.

20,460. In 1880?—You never addressed them while I was there. I am sure you were not there, or I should have remembered it. I remember your addressing a meeting in Castleisland.

20,461. That was afterwards?—That was afterwards.

20,462. Before you left county Down, did you hear I had established the Land League in the county?—I did not.

20,463. Of course you do not deny that the Land League did exist in county Down in 1880?—I heard of it, and saw something in the papers of it. I was out of the county.

20,464. And heard also of speeches being delivered by Land Leaguers in the county of Down?—Yes, I think I remember reading a speech of yours at Newry.

20,465. With reference to Kerry, you say you attribute lawlessness to the number and the activity of the Leagues?—That was not my answer.

20,466. I beg your pardon if I have misinterpreted your answer; but I understood you to say that?—No, I did not use those words at all.

20,467. With reference to this house which was burnt, I think you said it was insured?—One of the houses was insured: Connelly's house.

20,468. And he got 90*l.* from the presentment sessions?—He was awarded, I have it here, 100*l.*

20,469. (*Mr. Lockwood.*) Just read it—100*l.*?—I have it here, "Awarded 100*l.* at the presentment sessions."

20,470. (*Mr. Davitt.*) Did he also get the insurance?—I cannot tell you that.

20,471. Did you inquire?—I did. I think I inquired at the time. There was some trouble about it.

20,472. Was the inquiry in consequence of any suspicion you had that there was a personal motive in the case of arson?—Well, it came under my knowledge at the time I was inquiring into it that it was insured. Mr. Connelly told me it was insured.

20,473. Did you suspect that the owner had anything to do, or any of his relatives, with the firing of the house?—Well, I did not, because I saw the whole place consumed. The man had not a place to put his head, except in an old cow-house where he was living.

20,474. What would be the value of the house?—It was a very fine house. Mr. Connelly's house was certainly a beautiful house.

20,475. That is a beautiful house for a farmer?—Oh, it was a fine house.

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

20,476. For a farmer?—I understand it was originally inhabited by some gentleman who lived there before—a nice cottage.

20,477. You said, with reference to an event on the 9th of October 1886, that some cattle were seized by a crowd, and you did not call that an outrage. You called it an occurrence?—Yes.

20,478. What is the difference between an occurrence and an outrage?—I really have not that list with me here.

20,479. Rescued from the sheriff by a crowd?—Yes.

20,480. You did not report that as an outrage?—No.

20,481. You called it an occurrence?—Yes, if I saw the sheet now I should be able to tell you the names, and all of it.

20,482. How do you distinguish between an occurrence of this kind, which is taking property from the sheriff, and what you call an outrage?—Well, there at that time there were squabbles between the bailiffs and the crowds almost daily. There were rescues and all that kind of thing, and attempted rescues, and they were going on so, that we did not look upon some of them as very grave.

20,483. Not an attack upon a sheriff?—Not an attack upon the sheriff, but a rescue of the things the sheriff's bailiff would have under seizure.

20,484. That amounts to an attack on an officer of the law?—It does.

20,485. And you call it an occurrence?—Yes; I call it an occurrence. They were frequently happening. We did not pay much attention to them sometimes.

20,486. You say the outrages increased in Castleisland, or in your district after 1886?—Oh, no, I did not say that.

20,487. Listowel?—No, I did not say that.

20,488. I beg your pardon, in Castleisland probably?—No, I did not say that word of either district.

20,489. You did not?—No.

20,490. You know nothing of the condition of the district before you went there?—Yes, I do, here is the record.

20,491. You know that outrages increased after 1880 in the Castleisland district?—Oh, yes, certainly.

20,492. That is the point I want to get at. The police force increased very much also, did not it?—So I understand.

20,493. Then it follows that the outrages increased in proportion to the increase in the police force?—I rather think the reverse. I think the police force increased with the outrages.

20,494. It is a fact that the outrages increased and the police force increased at the same time?—Yes, I think the increase of the outrages rather set the example.

20,495. I do not attribute the increase of the outrages to the police, but it is a fact? It is a fact that increase of police followed on increase of outrage.

20,496. You said something about the avowed objects of the League. Did you ever read the Constitution of the Land League?—Never.

20,497. Did you ever read its rules?—Never.

20,498. Then you never took any trouble to ascertain what the real object of the League was?—I never read the constitution. I never read the constitution or the rules of the League. I only gathered it from the speeches.

20,499. I suppose you are aware that the Legislature has passed some remedial laws for the tenant farmers of Ireland during the last 10 years?—Yes.

20,500. Do you think this legislation was brought about or hastened in any way by the existence of the League in Ireland?—Well, I think the League certainly made the crisis more acute.

20,501. The League had something to do with hastening this legislation?—Well, in that way I think they had.

Cross-examined by Mr. BIGGAR.

20,502. Moybella is in your district?—It was in Listowel when I was there.

20,503. And are you aware that in Moybella two outrages took place in June of 1880?—I cannot call them two outrages.

20,504. In what month?—June 1880. I see an outrage here recorded in June 1880 in that place, Moybella.

20,505. Will you read it, please, the observation?—It is headed—"Firing into dwelling and administering unlawful oaths. Serious assault. Robbery of arms."

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

“ John Horgan, farmer, 44 ; Edmund Horgan, 32, farmer, on the 8th of June 1880. Agrarian. On the 22nd of June, Michael Horgan evicted Patrick McNamara for non-payment of rent. Edmund Horgan and his brother John went to live in the house. On morning of 28th June, a party of 20 men, three of them armed and disguised, entered the house and fired two shots into it. On admittance being refused, they burst in the door, dragged out the Horgans, tying John with a rope, placed them on their knees, and swore them not to enter the house again or take possession. John received three wounds on the head. Edmund was severely beaten about the head and body, and the Horgans were expelled. The party replaced McNamara in possession, after which the party left, taking Horgan's gun and ammunition with them. Accused, acquitted at Cork winter assises.” That is the record.

20,506. Do you happen to know when the first Land League branch was formed in the county of Kerry?—I could not tell you.

20,507. Do not you happen to know that in October 1880, five months after these outrages took place, the first branch was formed in the county?—I really cannot tell you when the first branch was formed.

20,508. Well, we have proof coming. I should like to ask you a question or two also. You use the expression here to-day, carrying out the behests of the League, that is to say, that the moonlighters carried out the behests of the League. Did you hear the evidence of Inspector Davis yesterday?—I heard some of it.

20,509. Did you notice that he used exactly the same words in giving his evidence that you did?—Well, I did not notice that.

20,510. Then you and he did not, I suppose, arrange beforehand what your evidence would be?—No, Mr. Biggar, we did not.

20,511. Is not it the case that the members of the Land League are principally confined to the farming class and shopkeepers?—I have nothing to do with the Land League.

20,512. No, the National League. The National League members, are they not usually belonging to the farming class and the shopkeeping class?—Yes.

20,513. The labourers, as a rule, are not members of the National League?—Well, I could not tell you that.

20,514. What is your opinion?—Well, I do not know whether they are members or not, but I have known them attending the meetings there.

20,515. Open air meetings?—No, meetings that were reported in the papers. I have seen reference made to labourers attending there, and some questions being brought before the League and that.

20,516. That is a different thing. Your statement conveys the idea that these labourers went in more in the form of a deputation to the branch of the League, and not in the capacity of members of the League?—I cannot tell you whether they are members or not.

20,517. But you gave evidence here with regard to these mowing machines. Do you think that is more a question in which the labourers would be interested than in which the farmers would be interested?—I think the farmers whose houses were burnt were deeply interested.

20,518. Interested in one direction, but do not you think, as a matter of fact, that the farmers would be more likely as a class to try and get cheap means of cutting down their crop, and, on the other hand, the labourers would be desirous of getting as much employment as possible, and that these machines should not be used?—I think that is reasonable.

20,519. Therefore you do not think certainly that the members of the National League who are farmers would be at all likely to encourage these outrages for the use of these machines?—Well, I am sure they would not. A man who had a machine would not encourage it, at all events.

20,520. Was not there a great soreness among the labourers on this subject. Was not there a great deal of agitation among the labourers, as a class, on the subject of mowing machines and reaping machines?—Not that I have heard.

20,521. I should like to ask you one question, with regard to a question asked you yesterday, in which you contradicted my allegation, or at least conveyed a different idea from what I thought you ought to do, with regard to the question of payment of witnesses in favour of prisoners, now is not it the case that the custom is to pay the

29 Nov. 1888.]

WILLIAM HENRY RICE.

[Continued.]

railway fare to the Assizes, and then pay the sustenance expenses, the other expenses, after the Assizes are over? Is not that the custom?—The sustenance is paid when the particular case in which the witness is concerned terminates. They could not pay the maintenance before. You asked me, was not the maintenance paid afterwards? Certainly it is. It could not be paid in advance.

20,522. Then in point of fact, if the Assizes lasts for a considerable time, the witnesses have to be supported either by the prisoners, or some one on their behalf, or by the witnesses themselves till the case comes on for trial?—No, I do not know how that would be. Usually the lodging house keeper is aware of the arrangement you know, and does it at a certain sum per head. I have seen the lodging house keepers attend at the office of the Crown Solicitor, and receive their money there. The Crown Solicitor pays it to the witness, and he pays it over.

20,523. If a person had credit he could get on very well, but if he had no credit he must depend on some other means of living?—Well, I have never known any case to arise.

Re-examined by Sir H. JAMES.

20,524. Give me the date again of that Moybella outrage? The first?—I see it here, the 27th of June 1880.

20,525. Have you any entry as to when the first outrage took place with regard to any mowing machines. You have been asked by Mr. Biggar as to these mowing machine outrages? Can you give me from any source the date of the first mowing machine outrage?—Yes, this is the first one I am acquainted with.

20,526. The mowing machine?—It is the burning. The mowing machine question arose.

20,527. Is that the date you mention, the 27th of June?—The 22nd of August.

20,528. I am asking you first of Moybella. You gave me the 27th of June?—1880?

20,529. Yes. Does that refer to a mowing machine outrage?—No.

20,530. Give me the first mowing machine outrage. That, I understand you, is August?—The first I am acquainted with was August 1886. There may be some between this and that.

20,531. Up to that time had you heard in any county in Ireland of the labourers at all destroying mowing machines or committing outrages on account of their use?—Not that I remember.

20,532. I think the date has been given to you of October 1880, when the first Land League branch was established?—Yes, I understand that is the date.

20,533. Was there a meeting in Beaufort in May 1880 to your knowledge, or not?—I cannot say.

20,534. You have been asked as to the difference between this occurrence and the outrage, when the cattle were seized. Was any violence used when the cattle were rescued?—If I saw that sheet I should be able to tell you.

20,535. I do not think it is very material. If personal violence was not used, and cattle were rescued, would that be, according to you, an occurrence or an outrage?—That would be one of those things which would not be recorded as an outrage.

20,536. Because there was no violence?—Because there was no personal violence used.

JOHN SHEA sworn, examined by Mr. MURPHY.

20,537. Were you for some 30 years a workman to Mrs. Mary Rice?—Yes.

20,538. I think she held a farm at Ballymaquin, Kerry?—She did.

20,539. Was she evicted by her landlord in 1883 or about that time?—I could not tell you whether she was.

20,540. Do you remember her being evicted?—I remember the time she left it.

20,541. Was Mr. Timothy O'Connor the landlord?—Yes.

20,542. Did he keep you on as a workman?—He did.

20,543. In June 1886, when you were gone to bed, did you hear a rapping at the door?—I did.

20,544. Did you open the door?—The door was opened.

29 Nov. 1888.]

JOHN SHEA.

[Continued.]

20,545. And did two men come in in disguise?—Yes.

20,546. Had they any gun or revolver with them?—They had.

20,547. What did they say to you?—They asked me why did I work for Mr. O'Connor.

20,548. What did you do?—I said I had no other way of supporting myself only to work, and I had worked all my lifetime on the farm.

20,549. What do you say further. Did you say what you would do if they let you alone?—I told them I would leave if they let me alone.

20,550. What did they say then?—They told me not to leave.

20,551. But what were you to do about working?—They only fired a shot at me and walked out of doors.

20,552. Fortunately, I think they did not hit you?—No.

20,553. But you were not to leave the house, I think you said?—Yes.

(Mr. Lockwood.) He did not say that.

20,554. (The President.) He did not finish it. "Not to leave" was what he said?—Not to leave.

20,555. (Mr. Murphy.) What was it you were not to leave? Did they say?—They told me not to leave.

20,556. Not to leave what?—Not to leave the house.

20,557. Did you say that you were not to work. I think I heard you say so.

(Mr. Lockwood.) He said that.

(Mr. R. T. Reid.) I ask no question.

EUGENE SHEEHY SWORN, examined by Mr. MURPHY.

20,558. Where do you live?—Kerry.

20,559. What part of Kerry?—The Crossways, within a mile of the Causeway.

20,560. Did you know John O'Connell?—Yes.

20,561. Who was a farmer there?—I did.

20,562. Was there an auction at his place?—There was.

20,563. Did you buy some of the hay?—I did.

20,564. Shortly after that, did a party of men come to the house at one in the morning?—Yes, sir, from one to two.

20,565. Was that in the month of July 1886?—I think so, sir.

20,566. Did they call you by name?—They did.

20,567. Were you in bed?—I was.

20,568. What happened when they called you?—They told me to give over the hay, or if not, I would suffer for it.

20,569. Did they fire into the house?—They did.

20,570. Were you hit or not?—No, I was not.

20,571. Was the bullet found the next day there?—There was two of them found there.

20,572. On that same night, was your horse's ear cut severely?—It was.

20,573. I do not know whether you saw them or not?—No, I did not.

20,574. Did you see any notice posted about the house?—Never.

20,575. After this, I believe you joined the League. Did you join the League?—I joined it before.

20,576. Joined it before?—Yes.

20,577. Is it one of the rules of the League that a man is not to buy hay on an evicted farm?—Shure, that I could not tell you, sir.

Cross-examined by Mr. R. T. REID.

20,578. I understand you belonged to the League before?—Yes.

20,579. And since?—Yes.

20,580. And at the time?—At that time, sir.

20,581. As far as you know, you and the League are good friends?—Oh! certainly.

20,582. And always have been?—Always, I believe.

(Mr. R. T. Reid.) And, I hope, always will be.

29 Nov. 1888.]

EUGENE SHEEHY.

[Continued.]

Cross-examined by Mr. LOCKWOOD.

20,583. With regard to this, was Daniel O'Connell the person who was evicted by a cousin of his?—I think not.

20,584. Was he evicted by a man named Kearney, Tom Kearney?—Oh, yes, sir, he was.

20,585. Was that his cousin?—No, I do not think there was any friendship in the way between them.

20,586. You do not know that there was any relationship between them?—I think not.

20,587. Do you remember that after the eviction, that O'Connell was frequently hanging about the premises from which he had been evicted?—Certainly he was.

20,588. You know he was?—He lived convenient to it.

20,589. Was he constantly hanging about this farm from which he had been evicted?—That I could not tell you.

20,590. Can you tell me this; what was the feeling in that district among the people; was the feeling with Thomas Kearney, or was it with the conquered?—Well, that I could not say.

20,591. Were there some who took one side, and some that took another; is that what you mean?—Begorra, I could not say, I am full sure there was more for Kearney's side.

20,592. There were more for Kearney's side?—Yes.

20,593. And, I suppose, on the other hand, there were some that were for Connell's side?—There was more for Kearney too.

20,594. Did party feeling run pretty high between them about this?—I did not see any great difference between them.

20,595. You saw no difference between them; what do you mean by that?—The neighbours like both sides, that was buying the hay.

20,596. When the hay was sold, who was the auctioneer, do you remember?—Mr. McJuroy, of Tralee.

20,597. Is he a National Leaguer?—I suppose he is.

20,598. He is Vice-President of the Tralee Branch, is not he, or was at one time?—I could not tell you what he is.

20,599. Did you know him to be connected with the National League?—No, sir, I knew nothing at all about it.

20,600. I understood you to say just now in answer to my question, you knew him to be connected with the League?—There was about 10 miles between us. I do not know anything about him.

Re-examined by Sir H. JAMES.

20,601. When did you first join the League?—That I do not remember.

20,602. Can you tell me what year it was?—I suppose it was four or five years ago.

20,603. Was that the Land League, or the National League you joined; do you know?—The National League.

20,604. What did you pay?—One shilling.

20,605. There is one question that does not arise out of the cross-examination of Mr. Lockwood. Did you give up the hay after that visit you had at the house?—I did of course.

20,606. You gave it up?—I did.

20,607. Did you get your money that you paid?—Indeed I did not; not a halfpenny.

20,608. How much did you pay for the hay?—Oh, I paid no money for the hay.

20,609. It is probable, you are quite sure, you got none back then?—Yes.

MARY REGAN SWORN, examined by Mr. ATKINSON.

20,610. Are you the daughter of John Regan?—Yes.

20,611. Did he live at a place called Linnar, near Drinagh Leap, in the county of Cork?—Yes.

29 Nov. 1888.]

MARY REGAN.

[Continued.]

20,612. Were there two farmers in that neighbourhood called Bryan and Sullivan?—Yes.

20,613. Was your father a sub-tenant on Sullivan's land?—Yes, he was a tenant with Sullivan.

20,614. Was Sullivan evicted?—Yes.

20,615. About what time was Sullivan evicted?—Eight years last April.

20,616. Did your father continue on Sullivan's farm, after Sullivan was evicted? Did your father continue to reside on his farm?—Yes, he had the same farm that he had from Sullivan, and a little more advance.

20,617. Did the landlord, after Sullivan's eviction, give to your father some land, in addition to what he had before?—Yes.

20,618. Was the additional land part of Sullivan's farm?—Yes.

20,619. Now, up to that time—the time that your father got part of Sullivan's land, after the eviction, was your father popular in the district and on good terms with your neighbours?—Yes.

20,620. After he got this land, did you see any change in the way your neighbours behaved to you?—Well, there was a little difference with a few of them. A few of them we noticed a change in.

20,621. Do you remember one night—did you see any of the fences on your father's farm taken down?—On Christmas Day before he was shot.

20,622. When was that?—That was on Friday. He told me when he came home—he was out.

20,623. Did you see them yourself?—No, but I saw a great number of people about the place.

20,624. On this particular day?—Yes.

20,625. Were they on your father's farm?—Yes.

20,626. How many were there?—There were up to 30 of them there.

20,627. What were they doing?—They were shouting at him that Christmas Day, and when he came in he told me they were shouting at him.

20,628. Did you hear them yourself?—I heard them shouting and calling him land-grabber.

20,629. How many days was that before Christmas Day?—The Christmas Day; it was on Friday before he was shot. He was shot on a Tuesday evening.

20,630. Do you remember the night he was shot?—Yes.

20,631. Tell us how that occurred, did any people come to your house; where were you when he was shot?—I was inside, at home.

20,632. Where was he?—He was close to the house within two or three yards of the door.

20,633. What time of the day was it?—About 5 o'clock in the evening.

20,634. Was it dark; I suppose it was at that time?—Dusk, sir; yes, getting dark.

20,635. Did you hear any noise?—No noise, until I heard the shots.

20,636. When you heard the shot did you run out?—Yes.

20,637. And find your father's dead body there?—Yes, he was falling down at the end of the house after being shot.

20,638. How many days did you say after Christmas Day?—From Friday to Tuesday.

20,639. What day was Christmas Day?—Friday. This was Tuesday after Christmas Day.

20,640. What year was it?—In the year 1885, I think it was.

20,641. Are you quite right in saying it was eight years since he got some of Sullivan's land?—Well, about eight years last April. There were two brothers, and the other was out six years last June.

20,642. And the second Sullivan is out six years?—Yes, six years last June.

20,643. Did your father get any of his land; they were joint tenants like?—He was, to him, it was,—and he lent him some money likewise, and he never got a penny of it from him.

20,644. Do you know the President of the Land League in that district, or the National League; the head of the League?—No, sir.

20,645. Do you know the Rev. Mr. Murray?—Yes, he is not there now.

29 Nov. 1888.]

MARY REGAN.

[Continued.]

20,646. But he was then?—He was at the present time then.

20,647. You mean, he was at that time that your father was shot?—Yes, he was at that time.

20,648. Was he President of the National League?—Yes, he was.

20,649. He is the parish priest of your parish?—Yes, he was the parish priest. Father Murray was at the present time then.

20,650. The night your father was shot did your mother go to him?—I went to him the morning after my father being shot.

20,651. What did you go to him for?—It was my mother that went to him at the station.

20,652. Did you go to him the morning after your father was shot?—Yes.

20,653. What did you go to him for?—I went for him to come to my father.

20,654. Did he come to you?—No; it was the curate that came. He did not come at all.

20,655. Were any of these people—that crowd of 30 people you saw on Christmas Day—neighbours of yours?—Well, there were some part of the neighbours; the neighbours around.

20,656. Did you know whether your father had any cause of quarrel with any of them, or dispute with any of them, except taking this land?—No, sir.

20,657. Was your mother a very old woman?—Not very old.

Cross-examined by Mr. LOCKWOOD.

20,658. Is she alive now?—She is.

20,659. It was she who went to see Mr. Murray?—She went to him after, he being buried, to the station as generally she used to go always.

20,660. As I understand from you, the curate came to the house the next day, did he not, after the murder?—Yes, the curate came to the house.

20,661. Whatever consolation he could give you he gave you?—Yes.

20,662. What is the name of that curate, do you remember?—Father Camins.

20,663. Is he there now?—Yes.

20,664. Are you living there still?—Yes.

20,665. With your mother?—Yes.

Cross-examined by Mr. REID.

20,666. When people are sick, is it not generally the curate's duty to attend and not the parish priest. I do not know but I am told that is so; that is so, is it?—It is to the parish priest we go. The parish priest got sooner, and he did not come—the parish priest was nearer at the present time than the curate was.

20,667. (*Mr. Atkinson.*) The present time she means at that time?—Yes.

20,668. (*Mr. Reid.*) He was nearer at that time?—Yes.

20,669. Was the curate long before he came?—It was about 12 o'clock.

20,670. Your father was dead. Did he die the same night?—No, he lived for about 12 days after.

MICHAEL HAYES sworn, examined by Mr. RONAN.

20,671. Were you a caretaker for Mr. Beamish?—Yes.

20,672. On the farm that Sullivan was evicted from?—Yes.

20,673. Now do you remember after Sullivan was evicted, a party of men coming to your house one night?—Yes.

20,674. About what hour was it when they came?—It would be between 10 and 11 o'clock.

20,675. How many of them were there?—Well, I cannot say.

20,676. About how many?—I think there was about 20 came in to me, and as many more outside when I got out.

20,677. What did they say to you?—They told me to leave the place.

20,678. What did you say?—Well, I said I would; only they told me if I would not leave the place, they would visit me again.

29 Nov. 1888.]

MICHAEL HAYES.

[Continued.]

20,679. Did they say anything to you about a week?—They gave me a week's time to leave.

20,680. What did they say about a week?—To leave within a week.

20,681. And if you did not leave, what?—That they would visit me again.

20,682. Did they fire any shots that night at the time?—Well, they asked me to go out, and I did; and then they told me to go back again, and I went in; and after I went in, I heard a shot fired in the yard.

20,683. Did you leave at the end of the week?—No, nor since.

20,684. Sometime after that, did you get a threatening notice?—Yes.

20,685. Can you read yourself?—No, Sir.

20,686. Had you police protection after you got the notice?—Yes, Sir, and before I got it.

20,687. About 12 months after that, were you paid another visit at night?—Yes.

20,688. How many came this time?—I did not see them at all.

20,689. What did you do this time. How did you get out of the house?—Well, I got out through the back way.

20,690. Was it by the window?—Yes.

20,691. Your wife and children remained and received the visitors?—Yes, they were inside.

20,692. Were there any shots that night?—They told me there was.

20,693. You did not hear them yourself?—I did.

20,694. How many?—I think, about two. I heard the report of them.

20,695. Were you asked any night if you had a Land League card?—I had no Land League card.

20,696. Did anybody ask you if you had any?—They did.

20,697. Was that the night of the first visit?—The first visit.

20,698. Had you one?—No, I had not.

20,699. Who was the head of the Land League in that place?—I cannot say. Father Murray was the parish priest.

20,700. Were there any stations there from time to time?—Yes, there was.

20,701. The stations were religious services held at the houses of the different farmers in different districts?—Yes.

20,702. And was it the custom, when there was a station in that neighbourhood, to call all the people to the station?—Yes.

20,703. Before you became a caretaker of this farm, used you to be called to the station like everybody else?—Well, I was.

20,704. And after you took this farm did the priest call you to the stations that were held there?—No, they did not.

20,705. And as you were not asked, you did not go?—No.

Cross-examined by Mr. TIMOTHY HARRINGTON.

20,706. What do you mean by saying the priest calls you to the station?—He calls the name of the people of the land.

20,707. How do you know whether he called them; were you at the station?—Yes.

20,708. Then you were not kept away?—No.

20,709. And you were allowed to go to Confession at the station?—Yes.

20,710. You attended Mass, and you went to the station?—Yes.

20,711. And the priest took no money, and no subscription from you?—He did not ask any money from me, and as he did not ask any, I did not give it to him; if he had, I should.

20,712. That is all?—Exactly.

20,713. Then you had no complaint?—No.

20,714. Nothing was done to you there?—Not a bit.

20,715. No injury was done to you?—No.

20,716. And no insult offered to you?—No, indeed, no injury done to me.

20,717. You had no farm of your own at this time, you were merely caretaking?—Yes.

29 Nov. 1888.]

MICHAEL HAYES.

[Continued.]

20,718. You had no farm of your own, and no way of living, except as a caretaker?—No.

20,719. I suppose you did not think anything of the priest not asking you for a subscription as you were a caretaker?—He did not ask me, and I did not give it; I had no blame on it.

20,720. I suppose you were thankful to him that he did not ask you for a subscription?—I had nothing agin him at all. If he asked, I would give it, and as he did not ask, I did not give it.

20,721. The list of names are only the names of the persons who contribute to the money at the station?—Yes.

20,722. That is the only list that is read out, is not it?—Yes.

Cross-examined by Mr. LOCKWOOD.

20,723. As to this second visit, did you apprehend great danger on the occasion of the second visit; were you afraid when they came the second time?—Well, I was half afraid, but I got away from them.

20,724. You were half afraid?—But for I was afraid, I would not go away.

20,725. If you had thought there was any danger you would not have got out of the back window and left your wife and family unprotected?—Eh?

20,726. Were you afraid or not?—I was afraid.

20,727. You were afraid?—I was.

20,728. Was that why you got out of the back window; what did you get out of the back window for?—What for, why to save my life.

20,729. You thought, then, there was danger?—I thought there was danger.

20,730. And so you got out of the back window and left you wife and family in the house?—I did.

Cross-examined by Mr. DAVITT.

20,731. One question, Michael, about the first visit; did you report that to the police?—This was the second time.

20,732. I am speaking about the first visit they paid to you?—Yes.

20,733. Did you report that to the police?—I did.

20,734. What was the name of the policeman?—I cannot remember about it.

20,735. Was he a sergeant?—He was not.

20,736. Was he a constable?—Yes.

20,737. Living in the place?—Yes; I think Constable Digh, that was the first man that was there.

20,738. Was it he that asked you, if they put a question to you about the Land League card?—No.

20,739. Did you tell him?—I did not, I think.

20,740. When did you mention the fact about the Land League card, being referred to, here in London; was that since you came to London?—It was not.

20,741. Where was it?—It was at home.

20,742. What time?—The first time they gave me a visit, they asked me had I a Land League card, and I said I had not.

20,743. Whom did you report that to?—It was so long ago now I cannot say.

20,744. Are you sure it was you mentioned that, or the policeman who asked you about it, when you reported the occurrence?—I do not know which.

20,745. Have you any suspicion it was the policeman?—I have not.

Re-examined by Sir H. JAMES.

20,746. About this station, were you summoned to the station before you became a caretaker; "called to the station," I understand, is the term?—Yes, I used to be called before I became a caretaker.

20,747. When you became a caretaker, were you called afterwards?—No, never once.

29 Nov. 1888.]

MICHAEL HAYES.

[Continued.]

20,748. When you were asked by this gentleman about being called, did that refer to before you were a caretaker?—Before I was a caretaker I used to be called.

20,749. When you went to the station before you were a caretaker, did you pay any money to the priest?—I did.

20,750. After you were a caretaker, did you go once, or more than once, or not at all?—Yes, to the priest; I wished to go to him always regular when he came on the land.

20,751. After you were caretaker, how many times did you go to the station; if you could tell me, I should be glad?—I do not know how many times.

20,752. When was it you were telling us that your name was not called?—It was often the case when they came on the land they did not call me.

20,753. Since you went to the land?—Yes, since I came to be a caretaker, and the Land League turned out.

20,754. Did you ever pay any money?—I did not offer to pay any money; they did not ask it; and if they asked it, I would pay it.

20,755. Had they asked you to pay money before you went as caretaker?—Yes.

20,756. And you paid it?—Yes.

20,757. And they always took it?—Yes.

20,758. I am told that you said something about the Land League; what do you mean by that?—They called on me to pay since, and I did not pay. They did not call on me since the party of men came to me.

20,759. What did you say about the Land League; what was your meaning about the Land League which I have just heard you say?—I do not know anything at all about the Land League.

20,760. You said something—"the Land League turned out"?—They asked me, had I the Land League Card, and I told them, and that is all I know about them.

Adjourned to to-morrow at 10.30 a.m.

J. Davitt

“*Uncorrected Proof.*”

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1,

Friday, 30th November 1888.

(*Sir C. Russell.*) My Lords, I have a complaint to make to your Lordships, and also an application to make. My application is for leave to serve upon the printer and publisher of the document, of which I have an example before me, a notice in order that he may attend here before your Lordships to be dealt with as you think right, on whatever is the most convenient day; I would suggest Monday.

(*The Attorney General.*) Not Monday.

(*Sir C. Russell.*) Then next Tuesday, my Lords. The document purports to be the announcement in these large placards of a political meeting under the auspices of a certain body at Radcliffe, and the documents in question are printed and published by Thomas Gornall, of Blackburn Street, Radcliffe. It is in this form:—

(*The following document was put in and read, and is as follows:—*)

“Hear both sides. The inhabitants of Farnworth are invited to attend a meeting to be held in the parish church school, Farnworth, on Wednesday evening, December 5th, 1888, to hear from Mr. Richard Mitchell, an Irish tenant farmer, a plain, unvarnished statement of how he was boycotted and coerced by the agents of the National League, and also to hear from the lips of Miss Norah Fitzmaurice a thrilling narrative of how her father, James Fitzmaurice was brutally murdered through the instrumentality of the National League in her presence on the morning of the 31st January last. Doors open at 7 o'clock. Chair to be taken at half-past by Dr. Kershan. Inhabitants of Farnworth, come and hear for yourselves. Printed and published by Thomas Gornall, Blackburn Street, Radcliffe.”

Now, my Lords, this appears to be the one which follows, and is for the evening of the 3rd December. I ought to have read this first. The one I have read is for the 5th December. This is for another place.

(*The following document was put in:—*)

“Hear both sides. The inhabitants of Radcliffe are invited to attend a public meeting, to be held in the Co-operative Hall on Monday evening, December 3rd 1888, to hear from Mr. Richard Mitchell, an Irish tenant-farmer, a plain, unvarnished statement of how he was boycotted and coerced by the agents of the National League, and also to hear from the lips of Miss Norah Fitzmaurice a thrilling narrative of how her father, James Fitzmaurice, was brutally murdered through the instrumentality of the National League, in her presence, on the morning of the 31st January last. Doors open at 7 o'clock. Chair to be taken at half-past, by Colonel Mellor, J.P. Inhabitants of Radcliffe, come and hear the truth. Printed and published by Thomas Gornall, Blackburn Street, Radcliffe.”

My Lords, I have no doubt what your opinion will be as to a publication of a matter of this kind, and would certainly, if you thought it right, even now ask you to take some steps about it; but my application is, that we may have leave to serve a notice upon the printer and publisher to attend before your Lordships on Tuesday.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

(After consulting with the other Judges,)

(The President.) It is scarcely necessary for me to say that nothing can justify an announcement of that kind. Of course, as I had occasion to say earlier, when you are dealing with a case that is not to be tried by jury, it is not of the same importance; but nothing could justify that, and if you ask it, certainly, Sir Charles Russell, you are entitled to call upon them for an answer.

(Sir C. Russell.) The only person at present that we can see is a person of the name of Thomas Gornall, Blackburn Street, Radcliffe. It will be in that form that the Secretary of the Commission will give a notice which we shall see is served upon Mr. Gornall to attend, I suppose. That will be the convenient form.

(The President.) Just so.

MR. SAMUEL MURRAY HUSSEY, sworn, examined by the Attorney-General.

20,761. You have been a magistrate, I think, of the counties of Cork and Kerry for the last 37 years?—About that time.

20,762. How long have you known Kerry?—40 years, up to 1880; from the year 1840 I have known it.

20,763. Where have you lived?—Almost entirely in Kerry.

20,764. What part?—Well, near Tralee. I was a short time during that interval living in Cork, but I was in Kerry once a month.

20,765. You practically lived in Tralee or Kerry for the last 40 years?—Yes.

20,766. Were you a Government inspector with reference to the Land Improvement Works?—Yes.

20,767. Were you constantly in the county during the last 40 years?—Yes, 47 years.

20,768. Were you personally acquainted with the distress which, from time to time, occurred in various parts of the county?—Yes, there was fearful distress in 1846, and the subsequent famine years.

20,769. I want to know, up to the year 1880, what had been the condition of Kerry as regards agrarian crime?—As peaceful as any part of the world could be. I never heard of agrarian crime.

20,770. Had the previous distress led to any other outbreak of agrarian crime, or any outbreak of crime in Kerry?—No.

20,771. Had there been any difficulty in obtaining evidence as to the commission of whatever crimes there were in Kerry before 1880?—Not that I heard of; but that was not much in my line.

20,772. What quantity of property did you manage?—Well, what I did manage, and what I do manage, taking Griffiths' valuation as a test, it was a fourth of the entire county of Kerry. In round numbers 280,000*l.*; and the present valuation of the property that I did and do manage was 70,000*l.*, and that was mostly in the centre of the county.

20,773. Just so. What was the principal neighbourhood in which the estates were that you manage?—Tralee, Castleisland, and Killarney.

20,774. In 1879 was there distress?—Yes, great distress. So much so that I spent very large sums of money in labour and employment.

20,775. Did that lead to any outrage or any outbreak of crime?—No. I cannot call to mind any outrage in 1879.

20,776. Now, speaking of the condition of the people in 1880, was the distress still prevalent, or had it improved, or had it passed away?—It was passed away in the summer of 1880; the spring of 1880 was severe enough.

20,777. I am speaking of the summer of 1880; what was the condition of the people in Kerry?—They were much better than they were in 1879 or 1878.

20,778. Were they quiet and peaceable?—No.

20,779. When did the change begin?—In the summer or autumn of 1880 as far as I remember.

20,780. Now, up to the summer or autumn of 1880, what terms had you been upon with the people to whom you went?—I was on the most friendly terms with them. I was very popular with the labouring classes, especially on account of the employment I gave.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,781. I want to know so far as the tenant farmers, and the people among whom you went, and whom you had to do with as agent, what terms were you on with them?—I was on the most friendly terms in the spring of 1880 with them.

20,782. Did you stand for Tralee in 1880?—Yes, I stood against the Parnellite member.

20,783. I put it to you distinctly. Had there been any public or widespread unpopularity against you in any part of the county of Kerry up to the middle of 1880?—Certainly not.

20,784. Had you an estate of your own?—Yes.

20,785. About what rental?—Well, at one time it was 3,200*l.* a year.

20,786. What number of tenants?—About 160.

20,787. Where was your estate?—Oh, it was scattered.

20,788. In various parts?—In various parts.

20,789. What sort of terms were you on with your tenants?—Very friendly; they all presented me with an address when I stood for Tralee.

20,790. Have you had, in the course of your extensive business as an agent, to evict persons during the years before the year 1880?—Yes.

20,791. What was the actual number; had you had a considerable number of evictions from time to time for non-payment of rent?—Oh, not very many before 1880.

20,792. Had there been any disturbance caused by those evictions?—No.

20,793. Had those evictions produced crime?—No.

20,794. Were the evicted farms let again?—Yes.

20,795. Had any outrage been committed upon the people who had taken evicted farms before 1880?—Not that I know of. Of course I am speaking of Kerry alone.

20,796. I quite understand your answers are confined to Kerry, or, rather, I will say confined to the district of Kerry, of which you have personal knowledge; that is what I am asking you all the way through?—Exactly.

20,797. Before 1880, you have told us, you were in constant relations with your tenants?—Yes.

20,798. Before 1880 had you heard of any organisation against the payment of rent, or punishing tenants who had paid their rent?—No.

20,799. Or punishing persons who took evicted farms?—No.

20,800. What was the first meeting of the Land League in your neighbourhood?—The 10th October in Castleisland was the first meeting at which my name was mentioned.

20,801. I was not quite asking for the moment about your name being mentioned, I will take that answer now. The 10th October was the first meeting at which your name was mentioned?—Yes.

20,802. I do not know whether you know who were the speakers at that meeting?—I read reports in the newspapers there.

20,803. Who were the speakers there?—Mr. Beggar was the principal speaker.

20,804. Do you remember anybody else?—No, there were a great many other speakers. I think Mr. O'Connor was there.

20,805. Which Mr. O'Connor?—Mr. Arthur O'Connor; he mentioned my name, and of course that made some impression.

20,806. You told me just now that the first meeting your name was mentioned was the 10th October 1880. Can you tell me whether there had been any Land League meeting before that at which your name had been mentioned?—Not that I know of.

20,807. Did you find after that Land League meeting a difference between conduct of the tenants towards you?—In consequence of the reports that I received after that meeting I immediately applied for police protection; the next day.

20,808. How soon after that meeting did you receive a communication which led you to apply for police protection?—Oh, a day or two.

20,809. I only want to know if you please; do you believe that at that time police protection was necessary for you?—I feel quite certain of it, so did all my friends.

20,810. Now then, did you find a difference as regards the treatment you received after this meeting as compared with before?—Yes.

20,811. Had you to carry out some evictions in the years 1881, 1882, and 1883?—Yes.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,812. You are able, of course, to give the Court particulars as to those evictions, if necessary?—Yes.

20,813. Will you tell me were those evictions for non-payment of rent?—Yes.

20,814. I must ask you was the land in many cases occupied by people who were in your opinion able to pay?—Yes.

20,815. Are there any parts of your district, when I say your district I mean the district in which you were acting, where the Land League was more active than in other parts?—Yes.

20,816. Which do you say was the part in which the Land League or the National League displayed the most activity?—I think in Killarney and Castleisland.

20,817. Was there a difference in the relations between you and your tenants where the Land League was active to where it was not?—Yes; there was no Land League in the Dingle district until a long time after that, and the relations were quite friendly between myself and my tenants.

20,818. You also managed property in Dingle?—And had property of my own.

20,819. Up to a much later period there was no establishment of the Land League or the National League in Dingle?—No.

20,820. And did your relations continue as they had been before friendly with the tenants in Dingle?—Yes.

20,821. Do you remember about when the National League was established in Dingle?—I cannot say.

20,822. After the establishment of these Land Leagues did any tenants come to you secretly?—Yes.

20,823. Did they pay you their rent secretly?—Yes.

20,824. Were those tenants (I do not ask you any names at present) who had previously paid you openly?—Yes.

20,825. Have any tenants sent you their rents through other channels?—Yes.

20,826. Through what kind of channels?—Through clergymen and friends.

20,827. Were those people who had paid you openly before themselves?—Yes.

20,828. Have you been asked by tenants to serve processes on them—ejectments on them?—Well, I think so, but I could not give you a case in point just now, except in Killarney, when I was the agent there, which was proved by Mr. Leonard.

20,829. I will ask about Mr. Leonard's evidence in a moment, only answer this question yes or no; had you any conversations with tenants who were solvent tenants when you applied to them for payment?—Yes.

(*The Attorney-General.*) Now I propose, my Lords, to ask Mr. Hussey what reason the tenants gave him for not paying.

(*The President.*) We have had that before.

(*The Attorney-General.*) What reason did the tenants give for not paying?

(*Sir C. Russell.*) I do not at all object, but for reasons apparent, hereafter it may be necessary to have some particulars about this in consequence of some statements made by Mr. Leonard, and certain counter statements which have appeared.

(*The Attorney-General.*) It is no question of counter statements appearing.

(*Sir C. Russell.*) My objection at present is to the generality of the question, if he say my particular tenant I do not object.

(*The President.*) You may either ask the particular tenants Mr. Attorney, or you will do it Sir Charles.

(*The Attorney-General.*) Tell me any reasons given by solvent tenants?

(*Sir C. Russell.*) My objection is to that question.

(*The President.*) I think you ought to ask the particular tenants; you are invited to do so.

(*The Attorney-General.*) I do not know whether Mr. Hussey is willing to give the names or not.

(*Sir C. Russell.*) Why suggest that; we have had a great many names already.

(*The Witness.*) I can give some.

(*The Attorney-General.*) Forgive me, Sir Charles, I am perfectly aware of that, I also know what has happened.

(*Sir C. Russell.*) Well, what has happened? Do not make suggestions of that kind, but let the Court know what you mean.

(*The Attorney-General.*) It is no suggestion at all; suggestions were made that some counter statements had been made; what I say shall be proved in evidence.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

(*Sir C. Russell.*) I quite agree, I was giving that as my reason.

20,830. (*The Attorney-General.*) I put the general question to you first: Will you state reasons which have been given to you by solvent tenants, not merely poor people whom you knew to be poor, when you applied to them for rent?—They were afraid they would be shot.

(*Sir C. Russell.*) I am objecting to the generality of the question.

(*The President.*) I think the question may be put; it will be for you to ask who are the particular persons, and then we shall see what it comes to.

20,831. (*The Attorney-General.*) Speaking of the general feeling as far as you can tell in that district from moving about among these people, was there any other organisation affecting the relations as far as you know of landlord and tenant except the Land League or the National League?—Not that I ever heard of.

20,832. It has been suggested, and I put it to you, that there had been secret societies to a large extent in Kerry; as far as your experience goes, were there secret societies there?—I do not believe it.

20,833. You do not believe it?—No.

20,834. When did you first hear of moonlighting in Kerry?—The latter end of 1880, I think, or the spring of 1881.

20,835. Was the term "moonlighting" known in Kerry before that?—No.

20,836. Was the expression "landgrabber," as a term of reproach, known to you, Mr. Hussey, before 1880?—I never heard it.

20,837. Did things continue to get better or worse in the years 1881 and 1882?—They continued to get worse.

20,838. Was there any difference in the condition of affairs from what I may call a distress point of view to cause them to get worse in the years 1881 and 1882?—No.

20,839. Now you know this district, the character of the land, the rents, and the people who occupy the farms; did you find that there was more difficulty in getting the rent among the poorer tenants, or among the people who were better off?—The people who were better off. The rents were always better paid, and the people more peaceable, in the poorer districts.

20,840. I am speaking of outrages and the things that occurred. I am not speaking to you as a policeman, but things that came to your knowledge as occurring; did you find that they occurred more in the poorest districts, where people had most difficulty in living, or in parts where the people were better off and lived better?—Hardly any of them in the poorer districts; they were chiefly confined to Castleisland, which is some of the richest land in Ireland.

20,841. We have heard a good many questions put about the land, speaking of a radius of about 30 or 40 miles round Castleisland; what is it, is it grass land?—It is grass land round Castleisland itself.

20,842. And for what distance?—You cannot take a radius from Castleisland.

20,843. Put it in your own way; there may be mountains, of course?—Mountains, but it is, practically speaking, all grass land; some good, and some bad.

20,844. But it is grazing land?—It is grazing land.

20,845. You only know of the outrages in cases which have been proved, and which occurred, either from reports in the paper or coming before you as a magistrate?—That is all.

20,846. You do not know of them in any other way?—No.

20,847. Was any attempt made on your house?—Yes.

20,848. When?—In 1884.

20,849. What month?—The 28th November 1884.

20,850. What kind of an attempt?—There was dynamite put to it; all the windows and part of the walls blown out.

20,851. How many people were there in the house at the time?—There were 15, the majority of whom were women and children.

20,852. Besides yourself or including yourself?—No, including myself.

20,853. Was anybody brought to justice for this?—No.

20,854. You made a claim for compensation?—Yes.

20,855. Was that opposed?—Yes, at all stages.

20,856. You had better tell me the names if you can. Do you know whom it was opposed by?—There were a number of persons who employed a solicitor on each occasion, and there were members of the Land League in the body.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,857. Just tell me the names of the solicitors?—The first solicitor who we employed was Messrs. Roche and Moore.

20,858. Of where?—Of Tralee, and afterwards Mr. O'Connor Hargan.

20,859. Of where?—Of Tralee also.

20,860. And the next?—They were the two who opposed it at the two stages.

20,861. I should like to ask you about these claims. Are these claims opposed and narrowly watched?—They are nearly always.

20,862. Both at presentment sessions and grand jury, and then I think it goes in the appeal to the judges of assize?—My case was finally decided by Chief Baron Pallas.

20,863. Your case was tried by Chief Baron Pallas?—Yes.

20,864. In 1885 were you residing in Aghabog House?—Yes.

20,865. Were you being guarded by police?—Yes.

20,866. Were they fired at?—The sentries outside were fired at.

20,867. Were any of your cattle killed in the same year?—Yes, and in 1886.

20,868. I should just like to ask with regard to your own habits previous to the meeting in October 1880, were you in the habit of driving out at all times of the night, and going out by yourself?—At all times of the night and through Castleisland for six years.

20,869. And never received any annoyance of any kind?—And never carried a weapon of any sort.

20,870. Was any outrage or insult offered to you, as far as you know, up to that time?—No. In 1866, a long time ago, there was a stack of hay of mine burned.

20,871. That was the only thing?—That was the only thing.

20,872. Will you just tell us had there ever been any Ribbonism in Kerry?—I never heard of it; there could not have been.

20,873. What was the county in which Ribbonism of any kind was particularly active?—Westmeath.

20,874. You do not know yourself, probably, anything about the crime in Westmeath?—I paid a visit to Westmeath at the time, and I heard about it there.

20,875. Was there any Ribbonism in Kerry at any time?—Oh! yes.

20,876. When?—In 1886; it was the year I built my house.

Cross-examined by SIR CHARLES RUSSELL.

20,877. You know a great deal about Kerry, Mr. Hussey?—Yes, Sir Charles.

20,878. You are the largest landowner, I think, in that county?—Yes.

20,879. Your statement, I understand to be, that up to the end of 1880 there was no such thing, practically, as agrarian crime known in that county?—Yes.

20,880. No secret societies of any shape or kind?—I never heard of them, except the Fenian societies which I mentioned.

20,881. Except the Fenians in 1866?—Yes.

20,882. And that you were the most popular man in the county?—No, I was not the most popular.

20,883. A very popular man in the county?—I got on very fairly well.

20,884. Do you adhere to those statements?—Yes.

20,885. I will call your attention to the Parliamentary Returns for 1879. “March 18th. Denny. Incendiary fire—an outhouse, Mr. Denny’s property, was maliciously burned on a farm from which a tenant was about being evicted owing to his insolvency. Mr. Denny was awarded 25*l.* compensation. 31st March. James Delaney. The injured man’s forge was maliciously set on fire.”

(*The Attorney General.*) Where is this?

(*Sir C. Russell.*) In Kerry. “Supposed motive was a dispute about land. James Deane, 3rd April. Intimidation by threatening; either a threatening letter was addressed to and received by Mr. Deane, which was signed by the writer, O’Neill, and dated from 18, Charles Street, London. Some years ago Mr. Deane got possession of a farm from which O’Neill’s father was evicted. The writer sent the most abject apology to Mr. Deane’s London solicitor, who was going to take action. 19th April. Intimidation otherwise than by sending threatening letters. Mr. Nelingan evicted a tenant named Michael Quinlan for non-payment of rent, and let his farm to Patrick Sullivan for six months subject to redemption by Quinlan, in consequence

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

“ of which his son, Michael Quinlan, junior, threatened the lives of the injured persons
 “ in a public-house.” Neligan; is that, by the way, the County Court Judge Neligan?
 —I think so.

20,886. J. C. Neligan?—Yes.

20,887. One of the Cowper Commissioners?—Yes.

20,888. “Taking and holding forcible possession. This case is connected with the
 “ last one. Young Quinlan broke the lock on the door of the dwelling-house from
 “ which his father and family were evicted and took possession. The whole family
 “ went again to reside there, where they have continued since, having paid the arrears
 “ and settled with the landlord. Jeremiah Carmody maiming cattle, an ass of Car-
 “ mody’s maliciously maimed; supposed motive, a family dispute about land.
 “ Brosnan was murdered in his own house by his wife about 11 o’clock p.m., supposed
 “ by a hatchet, and his remains removed to an adjacent field, where it was found on
 “ the 21st August 1879. A jealous feeling and a dread that deceased was going to
 “ sell his interest in the farm, of which he got possession on his marriage in February
 “ 1879 on payment of 140*l.* debt due on it, but the latter in particular was the sup-
 “ posed motive. Thomas Brown, injury to property. Supposed motive, dispute
 “ about land.” I am not reading the whole of this, but merely the substance. “John
 “ Fitzgibbon and Catherine Fitzgibbon, intimidation otherwise than by threatening
 “ letters. Some persons broke into the house, threatening herself and her husband;
 “ supposed motive, a dispute about land. John Harrington, James Harrington, and
 “ Denis Houlehan, dispute about land.” Those are the family disputes, I think, so
 far?

(*The President.*) You began by giving the month, Sir Charles.

(*Sir C. Russell.*) I beg your Lordship’s pardon. We have got now to the month of
 September. It is September still, “killing cattle.” A cow of Jecohy’s was maliciously
 killed, he was supposed to be about taking a farm from which a neighbour was about
 to be evicted. “Cusson, intimidation by threatening letter.” Mr. Cusson received a
 letter by post threatening him if he went to Lisowel Quarter Sessions to have some
 ejectment cases tried there. “Julia O’Connor received threatening letter by post
 “ threatening her with many uneasy night’s rest. Supposed motive, dispute about
 “ land.” That is December.

20,888*a.* Now, Mr. Hussey, it is not a matter in controversy here, that there was
 a large increase of crime (the question of how it arose we will discuss hereafter) in
 1880, 1881, and 1882, and in fact up to the passing of the Arrears Act, when there was
 diminution of crime, you understand?—Yes.

20,889. Do you adhere to the statement, to which you have twice positively sworn,
 that there was no agrarian crime in Kerry up to 1880?—You have mentioned that
 murder which I certainly do not recollect. As far as the other things, threatening
 letters and small burnings are concerned, we consider them mere bagatelles.

20,890. Just let us have that admission please. You consider threatening letters are
 bagatelles?—Compared with the other outrages, certainly.

20,891. And small burnings and malicious injuries to property?—As compared with
 the outrages which are taking place now, the murders.

20,892. You regard them as agrarian crimes?—I do.

20,893. You have also said that up to 1880, you fix the date, the end of 1880 or the
 beginning of 1881, that there was no difficulty in getting witnesses to prove and bring
 home to the offenders crimes that had been committed?—That is not my province I
 think I said. I do not know much about it.

20,894. You were asked by the Attorney-General whether there was any difficulty
 in getting evidence to bring home crime to the offenders?—I did not hear that there
 was.

20,895. You said there was not?—I did not hear there was.

20,896. I want to call your attention to a curious feature of this return I have
 already called your attention to. Under the column “Number of persons made
 amenable,” the first three cases which are all agrarian, “nil.” The next case,
 “Michael Quinlan bound to keep the peace,” it being a threatening letter to which
 much importance does not seem to be attached. The next few cases which are taking
 and keeping forcible possession and maiming cattle, “nil, nil.” The next, murder,
 conviction of one for manslaughter. Three other persons not put on their trial, and
 one other discharged by the magistrate.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

(*Sir H. James.*) For want of evidence.

(*Sir C. Russell.*) For want of evidence. That, of course, is my point. The next, injury to property, dispute about land, nil. The next, intimidation. Three persons taken up, but discharged, having proved an alibi. The next, a number of persons mentioned, bound to keep the peace. The next is a case the same as No. 10; the same as the last. The next charge, killing cattle, nil. The next, threatening the landlord or agent if he proceeded with ejectment cases, nil. The next, nil. Then Michael Horgan. That is agrarian, "Accused beat injured man so severely in the head that his life was in danger for some days, a dispute having arisen relative to the grazing of about half an acre of land. They are connected by marriage." That is a family dispute, evidently.

20,897. So that in the majority of cases in this short return there was apparently no evidence forthcoming?—Apparently not from that return, but that is not my province.

20,898. I am not saying it is?—I do not think one of those occurred in my district.

20,899. Then am I to understand your evidence is relating to your district, and not to Kerry generally?—I can only speak of the rest of Kerry from what I heard.

20,900. Then may I take it that you are speaking of your own district, and not to Kerry generally?—My own district, what I know, and what I hear of Kerry generally.

20,901. You have made one observation, as to which, if I may respectfully say so, I agree with you. Your experience has shown you, has it not, that resistance by tenants to what they rightly or wrongly conceive to be injustice does not commonly proceed from the very lowest and the very weakest of their class?—It does not.

20,902. But if there is a combination of stronger men with them they join and assist in the combination?—Yes.

20,903. That is your experience?—Yes.

20,904. What the reason of it is we may argue about hereafter, but your experience also tells you this, does not it, that crimes following resistance or entailed by resistance do not commonly proceed in the first instance, at least, from the very lowest and weakest of the tenants?—Not from the poorest districts, certainly.

20,905. It is perfectly true, is it not, as you have said, that a naturally more quiet and patient people do not exist in the world than the Kerry peasants?—It was so up to a certain time, certainly.

20,906. There are a not inconsiderable class of what you might call strong tenants in Kerry?—There are a number of strong tenants about Castleisland and Tralee and Listowel.

20,907. And are the strong tenants principally tenants in possession of the best grazing land, or, to a large extent, in possession of the best grazing land?—Yes.

20,908. Is it a peculiarity of Kerry (as well as of other parts of Ireland) that you find the most crowded and congested parts of the district very frequently on the worst and poorest parts of the land?—It is very often so.

20,909. Has that resulted from a bygone system of clearances which have driven the people up the hill sides?—Not in my lifetime.

20,910. You know from your historical knowledge of Listowel?—I do not think so in Kerry. I do not think there were clearances in Kerry.

20,911. Do you think people will go up the hill side if they can get lands in the lowlands?—No; but arable lands cannot be managed to advantage except on a large scale, and a small man who tills with a spade will get a living where a large farmer will not go.

20,912. But does not it occur to you, the man with his spade will get a better living if, in place of using it on the bad mountain land, he was able to use it on the rich lowland?—He could not compete with the farmer who has ploughs.

20,913. That may or may not be. That is an economical question as so which there is a great deal of difference of opinion you are aware. Now I want to get some general information from you. What do you make out to be the entire agricultural rental of Ireland in 1876?—The entire agricultural rental of Ireland would be only a conjecture on my part.

20,914. Indeed, you are a man of considerable information on the question, and have taken an active and leading part in this discussion in the public press?—I suppose the agricultural rent of Ireland would be from 11 million, perhaps.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,915. Would not it be in 1876 nearer 13 millions?—I think not.

(*The President.*) Are there any parliamentary returns upon this subject, Sir Charles.

(*Sir C. Russell.*) No, not what one may call strictly accurate parliamentary returns. They are rather approximations. We shall be able later to put before your Lordship the accurate figures.

(*The President.*) I was going to suggest if there were any it would be probably a safer basis to put these on than evidence from the witness.

(*Sir C. Russell.*) Yes.

20,916. You know that when the Land Act of 1881 was passed, that for several reasons a considerable number of the tenants did not at once go into the Land Court?—Yes.

20,917. I will indicate now shortly those reasons to see whether you agree with them. One was that the popular leaders, if I may so call them, advised them against rushing into the Land Court?—Yes.

20,918. Whether that was right or wrong we will discuss hereafter. The suggestion was that the desirable course was to have a number of test cases from various parts of country?—I have heard that stated.

20,919. Did the existence of arrears hanging over the tenants?—Not to my knowledge. I never stopped a man going into the Land Court. I never prevented a man going into the Land Court.

20,920. I have not suggested it. Why did you invite what I was going to ask you?—I understood you to say, Did not the arrears prevent them going into the Land Court?

20,921. I did not say so, but I was going to say so. You are quite right. My question was this. You will kindly not consider I am addressing you personally in reference to your own action. We will consider that in a moment; but were you not aware that the fact that there were existing, as the phrase is, hanging round the necks of the tenants, considerable arrears in many cases, operated to prevent them going into the Land Court?—I cannot say that it did.

20,922. I am not saying the landlord in express terms (although there are such cases we suppose) said “Do not go into the Land Court or else I will bring an ejectment against you for your arrears, and so going into Court will do you no good,” I am not suggesting that, but do you not know that the dread of action for arrears did keep a large class of tenants out of the Court?—I should not say a large class.

20,923. A considerable number?—I cannot say it did. I know no instance.

20,924. Can you say it did not?—I cannot.

20,925. Were there also in connexion with a great class of the tenancies in Kerry turbary rights claimed in respect of their holdings?—Yes.

20,926. Which were of the greatest importance to the individual tenants?—Of course, in some cases.

20,927. Without which, in point of fact, they could not provide themselves with fuel?—Well, there would be great difficulty. It would not be actually prohibition, because there are a number of bogs in every part of Kerry for public sale. I have a great number myself. I supply bogs for 10 miles round, and people come in and buy it.

20,928. Are you aware the Courts decided that the exercise of turbary rights could not be taken into account under the Land Act of 1881, and that all the landlords' commissioners had to do was to fix the fair rent of the holding as such?

(*The Attorney-General.*) They decided to the contrary, I am told.

20,929. (*Sir C. Russell.*) Are you aware of that?—In some cases the tenants got rights of turbary with their judicial rents, and in many cases they did not.

20,930. Are you not aware that in a large class of cases the Courts decided that the turbary rights were no part of the holding, and that therefore they could not adjust the turbary rights in connexion with a fair rent?—Yes.

20,931-2. Do you know an Act of Parliament was passed, I think by the present Government, to their credit be it said, to enable that question to be dealt with?

(*The Attorney-General.*) I am much obliged.

(*The Witness.*) I do not think I have read that Act of Parliament.

20,933. (*Sir C. Russell.*) I do not know whether you have read it or not, but do you know it was passed?—I have heard so.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,934. (*The President.*) Can you give me the reference?

(*Sir C. Russell.*) My Lord, it was the Act of 1887, I think?—The Acts are following with such rapidity it is very hard to understand them all.

20,935. Have you known cases (recollect I am not speaking of you personally now, I am not suggesting that you did it for a moment), but have you known cases in which landlords have sought to recoup themselves by increasing the turbary charge as against the reductions of rent made by the Land Court?—Not one.

20,936. You have not known such a case?—Not one.

20,937. Have you known cases in which they have been deprived of their turbary rights?—In consequence of going into the Land Court?

20,938. I will not say in consequence of, but after going into, the Land Court?—No.

20,939. Having suggested that the agricultural rents, according to your best opinion, in 1876 were about 11,000,000, how much were they reduced by 1884?—I think the reductions averaged about 20 per cent. Then there is the subsequent reduction, 15 to 35 per cent.

20,940. I will come to that in a moment?—Which in many cases meant the whole of the landlord's margin.

20,941. Which in many cases left the landlords without a margin?—Nothing at all.

20,942. I quite agree?—Family charges and jointures.

20,943. In other words, the landlords were living on a margin of a rackrent?—I cannot say that.

20,944. What do you say then? I am not suggesting there were not very many hard cases amongst landlords at all, but was not that the case, that the system of dealing with land was to carve out of the property charges for younger children and daughters, and then leave the miserable remnant of a rackrent for the man who was supposed to carry on and keep up the estate?—Yes, on rents which are punctually paid.

20,945. I would like to ask your opinion. I am not asking you whether it did, but up to the year 1881, when the Act of that year passed, was there anything in point of law effective to prevent the landlord screwing out an increased rent out of the tenant's improvement?—Yes, there was; the Land Act of 1870 would give the tenant compensation.

20,946. I thought you would say so. In how many cases do you know of your own knowledge in the county of Kerry the Act of 1870 to have had practical application or effect?—Very few.

20,947. Do you know one?—Well, I think I do.

20,948. Where? Mention it?—There was one on Mr. Talbot Crosby's estate, but I cannot give you the name.

20,949. You cannot give the name?—No.

20,950. That is the only one you can recollect?—That is the only one I can recollect.

20,951. Were you agent for Mr. Crosby?—No.

20,952. Then I may take it that upon the estates you managed, which formed so considerable a part of the entire county of Kerry, there was no such case?—There was never a claim lodged against me under the Land Act of 1870 until it expired by the Act of 1881.

20,953. So that, so far as your experience goes, the Land Act of 1870 never was put in operation on any estate for which you were agent?—No.

20,954. And therefore never afforded any protection for the tenant?—It would if I put on a rent which the tenant could not pay.

(*The Attorney-General.*) That is not a correct inference.

(*Sir C. Russell.*) It may not be a correct inference. That is matter of discussion.

(*The Attorney-General.*) You are making a statement.

(*The President.*) It was meant to be a question.

(*Sir C. Russell.*) Yes, it was meant to be a question.

20,955. You have told us the average reduction all round was 20 per cent. up to 1884?—I think so.

20,956. I was pressing you upon the reasons why the tenants may not have gone into the Court. Can you tell us up to this moment what is the proportion of the agricultural tenants who have never been in the Court at all?—I cannot.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,957. Did there not exist in Kerry, and to a very large extent, a class of tenants who could not go into the Land Court at all under the Act of 1881?—Yes.

20,958. Namely, the leaseholders?—The leaseholders, and I always advocated their admission.

20,959. That may or may not be. I will take your statement, of course. That was one point, at all events, in which you agreed with the popular leaders?—Yes.

20,960. One of the few?—One of the few.

20,961. Do you know that they in the discussions on the Act of 1881 strongly insisted upon that, as well as many other Liberal members?—Yes, I do. In cases I have had to deal with in Kerry I made voluntary reductions, which are borne out by the Land Commission.

20,962. You are speaking of your own particular estates?—The estates I managed.

20,963. I have some particular questions to ask you, but at present I am dealing with generalities. Now, as regards these leaseholders, I want my Lords to understand. The great majority of the leaseholders were men of the same class as the ordinary small agricultural tenants in Ireland, some of them having larger holdings, but a great many very small ones?—They were generally the pick of the tenants. They were generally the best of the tenants.

20,964. Men with holdings of 10 acres, 20 acres, 15, 30, or 40 acres, and so on; that class of leaseholders?—They were.

20,965. There was great distress in 1879?—Yes.

20,966. General distress?—General distress. 1878 was a bad year too.

20,967. Quite right.—Then that reacted on 1879, the rents in 1879 being payable out of the harvest of 1878.

20,968. The year 1878 was a bad year?—A bad harvest year.

20,969. 1879 was worse?—1879 was rather worse.

20,970. So that you had an accumulation of two bad years?—Two bad harvests.

20,971. We have heard that as regards the great mass of these creatures their own subsistence depends on the potato crop?—Yes, in the poorer districts.

20,972. I mean as regards the great mass of the people. What was lost in millions sterling in the potato crop of 1879 as compared with 1876?—I never made a calculation.

20,973. Surely, surely, Mr. Hussey?—I never did, because I heard in some parts of Ireland that the potatoes were very good.

20,974. I am taking the whole of Ireland?—I could not say indeed. It is impossible. In some places in Kerry even they made more of their potatoes in 1878 and 1879 than ever they did; double.

20,975. That is obvious, is not it? If the supply is small the price will be high?—They sold them for seeding, which made it stronger still.

20,976. Quite right, but that would be small benefit to those who could not bring their potatoes to market to sell, but had to live upon them?—None.

(*Sir C. Russell.*) My Lord, there are accurate figures upon this point in the Registrar-General's return, but I cannot put my finger upon them at this moment.

20,977. Should I be within the mark if I said the loss on the potato crop alone in 1879, as compared with 1876, represented about two thirds of the entire agricultural rental of Ireland?—I could not say, indeed. Without you tell me how many acres of potatoes there were in Ireland, how could I form an opinion?

20,978. How many acres has nothing to do with it? I am asking you whether the potato crop of 1879 was not less valuable than that of 1876 by about two thirds of the entire amount of the agricultural rental of Ireland?—I think that is an exaggeration.

20,979. I will not say it is not till I get the exact figure, but you know it was very large?—It was large.

20,980. When, in your opinion, did the competition from American importation, and particularly meat stuff, and from Australia, begin to lower and affect the price of produce of that kind in Ireland?—It did very little in Kerry, so I cannot tell you. All our rent in Kerry is, practically speaking, made out of butter and pork, and young cattle.

20,981. But cattle and pork are two of the articles I am referring to. Are they sold in the towns of Kerry to be consumed in Kerry or to be shipped elsewhere?—To be shipped away.

20,982. Then no doubt prices in Kerry would be affected by the price at the place to which they were going?—Of course.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

20,983. Do you or do you not say that the competition of America and Australia did affect the price of those things?—Young cattle are four times the price that they were in 1850 now in Kerry.

20,984. You are going back more than 30 years when you say that. That is not germane to what I am asking?—Was not it about that time the American competition began to come in?

20,985. You mean to say it began to operate in lowering prices as far back as that?—Free trade was in 1845 or 1846.

20,986. I am not talking of importation of cereal stuffs at all, but importation of meat stuffs?—I cannot say when they began to come in.

20,987. To what do you attribute the serious fall which occurred in 1885–1886?—In what commodities?

20,988. The serious fall which did happen. You can tell me in what commodities?—In 1885 and 1886?

20,989. Yes?—There was no fall. 1885 was a fairly prosperous year.

20,990. No fall in prices?—There was some fall, but it was a fairly prosperous year.

20,991. In 1886?—In 1886 the price of butter came down.

20,992. Was there a serious fall or not?—There was a fall, but not a very serious fall.

20,993. That leads me to ask you this. You were examined before the Cowper Commission?—Yes.

20,994. Did you think a reduction was called for or not?—On what rents? On judicial rents?

20,995. Yes?—Well, a small reduction might have been called for, assuming the judicial rents were fair.

20,996. Did you or did you not think that reduction which followed was fairly needed by the state of the country or not?—Yes. I do not admit the fairness of the judicial rents; but, assuming the judicial rent was a fair transaction, which I do not at all admit, the subsequent reduction was fair.

20,997. In other words, that there was such a fall in 1886, or from the time when the judicial rents had been fixed, as, assuming they were fair judicial rents, justified a further reduction?—Yes.

20,998. Do you think the rents were fixed too high or too low?—I think the judicial rents were fixed too low for 15 years.

20,999. The tenants think they were fixed too high?—Naturally. They are now beginning to think, I think, that there should not be rents at all.

21,000. They are now beginning to think, very good. I think I was not exaggerating, but was under the mark. These are figures from the Registrar-General's return, 1876: General crops, total value, 36 millions. I am giving merely the round figure. 1877, 28 millions; 1878, 32 millions. That is better than 1877, and worse than 1876. 1879, 22 millions. You see, therefore, that comparing 1876 with 1879, there was a drop of no less than 14 millions?—According to that there was, but potatoes are more plentiful and cheaper now and last year than ever they were, therefore it ought to go up again.

21,001. That is not the point we are on at all, I assure you it is not; so that, you see, comparing the total amount of general crops in 1876, 36 millions, with 1879, 22 millions, there has been a drop of 14 millions, or 3 millions more than your statement of what you believed to be the entire agricultural rents in Ireland. That is a startling statement, is not it?—Yes.

21,002. Do you know that that figure of fall represents a loss of 2*l.* 10*s.* per head of estimated population in the whole country?—Yes, I suppose it does.

21,003. Now as to the potato crop, which was the main subsistence, as you have told us, of the people. In 1876, 12,000,000; 1877, 5,000,000; 1878, 7,000,000; 1879, 3,000,000?—Is that the fall, do you mean?

21,004. No, the value?—To meet that the landlords of Kerry imported champion potatoes, and soon the potato crop got better than ever it was.

21,005. I do not object to anything being said for the landlords that can be said. You say they imported champion potatoes?—Yes.

21,006. So did the Land League?—Did they?

21,007. Did not they?—I did not hear.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,008. Do you know that Mr. Davitt, with public funds subscribed for the purpose, bought and imported 10,000*l.* worth?—I did not hear it was done in Kerry.

21,009. Kerry is favoured by your presence. It cannot have all the blessings of this world?—The question is, what is a blessing?

21,010. Well, are champion potatoes a blessing?—Yes.

21,011. I want to draw your attention to these figures. I think I was right, was I not, in what I said?—Yes, according to those returns, certainly.

21,012. Comparing 12,000 000, the value in 1876, with 3,000,000, the value in 1879, making a difference of 9,000,000, that would not be far off about two thirds of the entire agricultural rents at that time?—No, according to those figures.

21,013. (*The President.*) Do these figures as to the potatoes also come from the Registrar-General's report?

(*Sir C. Russell.*) Yes, my Lord. These figures which I am now giving your Lordship are also from Parliamentary returns. Evictions in 1876, 1,269; 1877, 1,320; 1878, 1,749; 1879, 3,893, more than double. You are aware, are you not, that there is no machinery by which you can ascertain with accuracy the total number of eviction processes; are you aware of any?—I am not aware of any. I can give you, if you wish, my return of evictions here. They averaged 1 per 1,000 in the last 10 years.

21,014. You are quite justified in defending yourself, Mr. Hussey, when attacked, but at present, you know, I am not upon that point. I want my Lords to follow this machinery. You can explain, too, can you not, how it is that there is the machinery for ascertaining exactly the number of actual evictions. It is this, is it not, that notice has to be given to the poor law guardians before an eviction takes place?—Yes, in the case of a farmer.

21,015. We are talking, you know, of agrarian questions?—Yes, it does. The eviction does not of necessity follow. The relieving officers are very often served and the eviction does not ensue.

21,016. Mr. Hussey, do not be premature. First of all there is to be notice given to the guardians?—Yes.

21,017. That is because it is known that, unless the neighbours take pity upon them, these creatures evicted have no refuge but the workhouse. That is the reason?—Yes.

21,018. In addition to that, is it required that there is a return made to the police of the actual eviction?—I believe so.

21,019. I am not talking of those in which notice is given merely?—You can always get them from the sheriff's books.

21,020. That is what I mean. But there is no equally accurate record of the number of evictions threatened or in which steps are taken, but which are not actually carried out to eviction?—No.

21,021. Now about evictions, let me ask you this question. I will take it up to 1880 first. Everything was changed in 1880 according to your suggestion, but up till 1880, at all events, was there anything in this world that a tenant dreaded so much as eviction?—I do not think there was.

21,022. Do you think their feeling in that regard changed, or do you think they still dread evictions?—Well, they do, but not so much, I think.

21,023. Is that because they have friends who will help them when evicted?—No, because they do not feel emigration so much as they did.

21,024. You think not?—No.

21,025. (*The President.*) I do not quite understand that answer; you are asked whether they do not dread evictions so much now as formerly, and you said, because they did not —?—No, my Lord. They do not look with such horror on going to America.

21,026. Because they do not object to emigrating so much?—No; precisely, my Lord.

21,027. (*Sir C. Russell.*) You know that, speaking generally, they will make any sacrifice rather than be evicted?—No, I do not know it.

21,028. Did you know it up to 1880?—Yes.

21,029. Then up to 1880 they would make any sacrifice rather than be evicted?—They generally avoided it when they could.

21,030. Have you known them to meet, or try to meet, head rents by borrowing money at 10 per cent. from the bankers and shopkeepers?—No, I do not think that.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,031. And Gombeen men?—Well, there are very few Gombeen men in Kerry, and the banks do not charge Gombeen men 10 per cent.

21,032–33. Not even in 1880?—No, I have not heard of it.

I thought all the seven plagues descended from the Gombeen men. Now, as a general indication of the state, also, of the country in 1879: this also is, my Lord, from an official paper in the Royal Commission, the Cowper Commission, page 952.

(*The Attorney-General.*) I think a good many of the returns are annexed to the Cowper Commission, and it will give your Lordships a good idea of information, and for that and the years later.

21,034. (*Sir C. Russell.*) I will only ask you this general question, if you do not know, that tested by other tests—by reference to increases in bills of sale, in the issue of writs, in the issue of civil bills and ejectments, in civil bills, decrees, and ejectments executed in reference to them; that in all these indications of the general state of the country, the figures in 1879 exceeded that of any year before or since?—I do not.

21,035. There are also other heads; bankruptcy, and things of that kind. Now in 1879, you were agent for Lord Kenmare?—Yes.

21,036. You had succeeded in 1876?—1874, I think.

21,037. I think we were told 1876?—No; Mr. Leonard came to me in 1876, that was it.

21,038. You succeeded Mr. Galway, who had the name of being a very considerate agent?—Well, I thought so, until the attack was read out by Mr. Lockwood about the Duggan family, about the way he rose rents in that year.

21,039. You thought so?—Yes.

21,040. He had that general reputation at all events?—Yes.

21,041. You thought it your duty upon a certain number of the tenants to raise the rents?—Yes; some took out leases and some paid fines, and then tenants who had not paid the fines.

21,042. Had their rents increased?—Yes.

21,043. Did you also think it right to make certain turbary charges which had not previously been made?—Yes; but practically speaking, they yielded no revenue; they were spent on the turbary and in making roads.

21,044. You mean that the tenants had to pay, but they had improved roads?—Yes, and drainage in the bogs, and there was one bog I drained not charged for; there was far more spent on it than was ever received out of it.

21,045. Was that the only property upon which, on your accession to the agency, about that time, you increased the rents?—Yes, sir, I think so.

21,046. The property of Sir Charles Crosby is referred to—Sir Charles Colthurst; that was before that.

21,047. When did the tenants first come to you or present a memorial asking for a reduction of rent?—I cannot say that.

21,048. I must really press you about that; I must really ask you to try and recollect that?—Is it on Lord Kenmare's property?

21,049. Yes?—I think they asked for it in 1880, and I think they asked for it in 1879.

21,050. Do not you know they asked for it in 1879?—I think they did as you remind me. Of course a man cannot recollect everything.

21,051. You have told us 1879 was a bad year?—Yes.

21,052. Did you not yourself think that they ought to have had a reduction in 1879?—Well, as well as my recollection serves me now, I gave all the papers to Mr. Leonard, as well as my recollection serves me, they got some reduction in 1879.

(*Sir C. Russell*) That is not so.

(*The Attorney-General.*) I assure you you are wrong, it is.

21,053. (*Sir C. Russell.*) Do not you know that a petition was presented to Lord Kenmare in 1879?—I have no reason to doubt it.

21,054. In the autumn of 1879?—I have no reason to doubt it.

21,055. And that it was backed up by the petition of the clergy and by the bishop, asserting the necessity for the reduction?—I never heard the bishop had anything to say to it.

21,056. When Mr. Leonard gave his evidence he spoke of the bishop, Dr. Higgins?—Oh, Dr. Higgins! He was not bishop for a long time after that.

21,057. Oh, I believe I was wrong in mentioning the name of the bishop—Dr. Healy. I must press you as to this in justice to yourself. I am not aware that anybody has

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

attacked Lord Kenmare as being other than a humane man, or desiring to do other than what was right to his tenants; but his circumstances were rather difficult at that time. I do not wish to say more than that?—Yes.

21,058. He had spent an enormous sum of money, amongst other things, building a large mansion for himself?—Yes, and he employed the poor. He was spending 300*l.* a week in giving employment in 1879 among the tenants.

21,059. He was one of those who had borrowed?—Yes.

21,060. On the terms of paying no interest for two years?—And then 3*l.* 8*s.* 6*d.* per cent.

21,061. And then 3*l.* 8*s.* 6*d.* per cent.?—Yes.

21,062. Principal and interest?—Yes.

21,063. In other words, no interest for two years, and after that 3*l.* 8*s.* 6*d.*; 1*l.* being for interest and 2*l.* 8*s.* 6*d.* for reduction of principal?—Yes, and he charged the tenants nothing.

21,064. Did you not yourself express the opinion in 1879 that the tenants ought to have a reduction?—I think not, not in that year.

21,065. Did you think they ought to have a reduction?—Well, they ought to have had a reduction, but for the enormous amount of money that was expended on them.

21,066. We will discuss that by-and-by. Apart from what you call the enormous amount of money expended on them did you think they ought to have had a reduction in rents?—No, while the expenditure was going on, I did not.

21,067. Apart from that, would you have considered they ought to have had a reduction in their rents?—Yes, I think so, apart from that.

21,068. That is what I am informed. You said that you had expressed that opinion as to a reduction in 1879. Let me understand: in the autumn of 1879 you referred to there being a hanging gale, the hanging gale it is called?—Well, it is supposed to run for six months after it falls due, or five months.

21,069. A reduction in 1879 would apply to the gale due in May 1879?—Yes, the May gale was always collected in October, and *vice versa*.

21,070. What reduction did the tenants ask?—I forget.

21,071. Just try and recollect?—I do not know. There were a great many applications for reduction. I think they asked for 20 per cent., and I may say the only reduction I recommended was in the rents I increased myself; there were some of the tenants required no reduction, I think.

21,072. What was the employment that the tenants got of which you speak?—Principally drainage and fencing and road-making.

21,073. Public road making?—Public road making.

21,074. Was the larger amount expended upon that?—No; the larger, I should say, was expended on drainage.

21,075. This, you think, the remuneration to the tenants came in the shape of paying them for their work?—Yes.

21,076. Upon the roads, and fences, and drains?—Upon the roads, and fences, and drains.

21,077. And so you think that would have enabled them better to keep up their rents?—Yes, but of course I need not say the labour went all to the very poor class; the rich farmers did not go to work.

21,078. Was part of the money while you were their agent, or a greater part of it, was it included in the Distress Union Act schedule?—Yes.

21,079. It was?—Yes, otherwise we would not have got the money.

21,080. I think there is a subsequent Act, is there not, to the Distress Union Act, and it is there scheduled as a distress district under the Act last year?—Is that the Act for reducing judicial rents?

21,081. Yes?—Then we have the schedule of reductions all here. We have already got that from Mr. Leonard?—You only got for Killarney, and I have got it for the whole district.

21,082. Very well; if it is material, I have no objection. Can you give me evictions in Kerry beginning from 1877?—No; I can give you my own, which represents a fourth of the county.

21,083. Just give them to me?—You have heard from Mr. Leonard that the evictions on Lord Kenmare's estate, the permanent evictions, were 17?

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,084. (*Mr. Justice A. L. Smith.*) 19, I think?—Perhaps so, 19. In the property I am at present agent to there were 28 for 10 years.

21,085. (*The Attorney-General.*) Which ten years?—1879, 1880, 1881, and so on.

21,086. 1879 up to 1888 you mean?—1879 up to 1888.

21,087. Give me the number, please, again?—28.

21,088. (*Mr. Justice A. L. Smith.*) And how many tenants?—2,018.

21,089. (*Sir C. Russell.*) What property are you speaking of?—I am taking the several properties in Kerry I am now agent for.

21,090. (*Mr. Justice A. L. Smith.*) I thought it was Lord Kenmare's?—Lord Kenmare's is 2,000 also.

21,091. (*Sir C. Russell.*) That is including Lord Kenmare's?—2,018.

21,092. First of all, you know the figures given of the actual evictions by Mr. Leonard were, of course, largely in excess of that, the greater proportion of them were, what he described, re-admitted as caretakers?—Yes.

21,093. Now will you tell us in your case how many were the total evictions, including those that were re-admitted as caretakers?—I cannot, I have not prepared that return. I only prepared the return of the tenants who were permanently out. I think hardly any who were admitted as caretakers will be put out permanently.

21,094. Do you wish to convey to the Court that all those who have been re-admitted as caretakers, have been subsequently re-admitted as permanent tenants?—I say that. I have a list of all that are permanently put out, and the bulk—the great majority of those admitted as caretakers—some settlement will be come to with, I suppose, four-fifths of them.

21,095. You have not the total number that was evicted?—No, I have not; but I could give you some information about it.

21,096. If you have not got it convenient I will not trouble you at all?—Up to one time there were 315 up to 356 settled.

21,097. Have you got any figures of the total number of civil bill processes for ejectment?—No.

21,098. Have you got the total number of Dublin writs for ejectment?—No.

21,099. Have you got any account of the number of writs in action for debt against the tenants?—No.

21,100. Have you no account of ejectments upon the title, the evictions upon the title?—No; I have got no return, except the tenants permanently out for 10 years.

21,101. Let me understand, please. You first of all, as you have told us, excluded those re-admitted as caretakers?—Yes.

21,102. And you have not taken an account of those who were re-admitted on the title?—I have taken account of every persons who is put out permanently for whatever cause, either by debt or nonpayment of rent, or anything else.

21,100. Was one mode of proceeding by suing in the superior courts in the action for debt?—Yes.

21,104. And then selling the tenant's interest by the sheriff?—Yes.

21,105. And then buying it in for a nominal sum?—Yes.

21,106. And then ejecting on the title?—Yes; and then ejecting on the title.

21,107. How many such cases were there?—I do not recollect; more than 10, if so many.

21,108. I must take, for the present, your statement. Do you mean that you will undertake to say there were not more than 10?—I will not undertake, for I have no returns of it.

21,109. But I do understand you to say that the number of tenants evicted in that fashion, to use your words, "permanently evicted" are included?—They are all included; every person permanently evicted.

21,110. In the figures you have given?—Yes.

21,111. In the 28?—In the 28.

21,112. Now could you give me the figures of the evictions for Kerry, as distinguished from your own property?—No, I cannot.

21,113. For the year 1877, 1878, 1879, 1880, and 1881?—No.

21,114. Now I want to ask you a question or two about this meeting; in October 1880 Mr. Biggar was the principal speaker?—Yes, I believe so.

21,115. I think you mentioned Mr. Arthur O'Connor also as being there. That was the 10th October 1880?—Yes.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,116. Did you know that they had just come from seeing a man on the property about a half a mile from your own house; a part of Mr. Arthur Blennerhassett's property, man called Patrick Shea?—I did not know they were there, but there is such a man lives about two miles from my house.

21,117-8. I want to know the story of that man. Did Shea occupy a small piece known as a cut-away bog?—Yes.

21,119. The valuation of which was 10s.?—That was the valuation of the land, but that was not the value of the bog upon it.

21,120. It was a cut-away bog?—Yes.

21,121. Was he paid 10*l.* rent for it?—Yes; the value of the bog when he took it would have been 20*l.* I have bogs where the ground is only valued at 10*l.*, and the bog on it is valued at 120*l.* in Ahabeg.

21,122. I understand you to say that it was cut-away bog?—It was cut-away bog at this time, but not when he took it. MacQuinn took the land, and he made a considerable revenue selling the bog.

21,123. What was the original rent that Shea paid for it?—MacQuinn was the tenant originally.

21,124. What did he pay for it originally?—10*l.* a year.

21,125. From the start?—Yes.

21,126. Then MacQuinn made his money by selling the bog?—By selling the bog.

21,127. Then Shea succeeded to the bog cut away?—Two daughters succeeded, and they quarrelled amongst themselves.

21,128. The bog was cut away?—It was not all cut away.

21,129. Not even a good bit for a snipe?—No doubt the house was very bad.

21,130. He was evicted?—Yes.

21,131. Then you re-admitted him?—Yes, it was not I fixed his rent.

21,132. You re-admitted him?—Yes.

21,133. I think that was the time you were candidate for Tralee?—It was very nearly the time.

21,134. Did you then give Shea permission to till the holding?—Very possibly; I do not recollect, I daresay I did. His friends offered me 6*l.* a year for the land. I thought it a fair rent and I took it.

21,135. Who offered it?—Some of his friends.

21,136. I only want to know if you gave him permission to till the holding. One would have thought that would have made a fresh tenancy. Did you procure a magistrate's order against him as a caretaker, and have him turned out?—I believe he was turned out. I am not agent to that estate now, so I cannot say.

21,137. But you were then?—Yes.

21,138. Do you know that Connell, your bailiff, turned him out and tore down the roof of the house?—I believe it was partially pulled down.

21,139. Do you know that on the way to this meeting of the 10th October 1880 these two Members of Parliament, Mr. Biggar and Mr. Arthur O'Connor visited this man at a place where he had put up some boards against one of the remaining walls of the house as a shelter for himself and his children?—I did not know they were there.

21,140. You know Shea was there?—Yes.

21,141. And his family?—Yes.

21,142. Did you read the speeches?—I did; some of the speeches.

21,143. Did not you know the great theme of the speeches was the story of this man Shea and his wretched condition?—At Castleisland? I do not know that it was.

21,144. I do not know whether it was the meeting at Castleisland. I mean the meeting of the 10th of October 1880?—I think that was the meeting of the 10th October 1880. I do not remember Shea's name being mentioned at Castleisland; they had a special meeting for him, and I say that eviction was in consequence of a subdivision of the land, and the two people fighting; it was a constant occurrence.

21,145. You say the people dread eviction greatly?—Yes.

21,146. Is there another thing they greatly dread, that when eviction takes place there is no demolition of the house or burning of the house?—Yes.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,147. Is that a thing calculated to rouse very bitter feeling?—Yes, they know they have no chance of going back then. There is always hope as long as the house is standing.

21,148. Do you know that there was an eviction on the property in which you were agent, Ballincrane?—My own property.

21,149. That is the first burning of a house at an eviction taking place in Kerry in those years?—Possibly.

21,150. I do not wish to say it was your own direction if it was not so?—It certainly was not. I hoped I would be allowed to explain the circumstance of that eviction.

21,151. Certainly, you are entitled, but kindly allow me to put a question first. Did a clerk of yours, called Barratt, assist?

(*The Attorney-General.*) No, that is not the occasion.

(*Sir C. Russell.*) Oh, that was the other, then explain.

(*The Attorney-General.*) Give the name, Ballincrane.

(*The Witness.*) Yes; and the tenant was Patrick Kennedy, holding this piece of land, the townland of Ballincrane, by lease, at 45*l.* a year, and he got one of his sons married, his eldest son promised, as I have heard him, to give the whole of his farm for his daughter.

21,152. Do not tell us that?—Very good. He then gave the daughter the farm, and gave half of it to his second son in the teeth of my notice that I would not allow it, and that I would put a penal rent on it if he did. The farm was eminently unsuited for sub-division, and I put a penal rent on, for which I subsequently evicted him. I turned him out. I re-instated his eldest son, and he is there on the entire farm at this moment, on the farm with a good house. I cannot see any hardship in that.

21,153. Who built the house?—He built the house, and I contributed slate and timber, and I spent 100*l.* in draining his land, for which I charged him nothing.

21,154. When was this?—Under the Langford Distress Act.

21,155. Were you also a borrower under the Act?—I was, to my sorrow be it spoken.

21,156. Was that the only case of burning?—On my estate.

21,157. Or for which you were agent?—That is the only case I know of.

21,158. Let me remind you of another case which you must have seen discussed in the paper; was there another case Perrott?—I referred to that case myself, Mr. Leonard gave evidence about it and referred to that previously; you asked me about Murphy's case.

21,159. I did, but I asked you in connexion with this other case of Shea's; It hought it was in connexion with that case, I made a mistake. I want to ask you about this again, especially in relation to something Mr. Leonard said; you know it was charged and stated in the public press, do you not?—Yes.

21,160. That your own clerk Perrott was sent by you to set fire to the house?—Yes.

21,161. First of all you were not there yourself?—No, I never knew about it until it was all over.

21,162. And you did not authorise him to do this?—I did not authorise him to do that, and lastly, it was not Murphy's house at all.

21,163. Whose was it?—His brother-in-law Callan, or his cousin.

21,164. Was not Murphy evicted from it on that day?—He was, he had taken forcible possession of it. Callan sold Murphy out for a debt, Murphy brought an action against Callan, and it was left to the two parish priests to settle the matter.

21,165. The point I was on was, did you or did you not know anything about the burning?—I certainly knew nothing about it till it was all over.

21,166. You say it was Callan who put him out?—Callan put Murphy out previously, and had the farm for some time.

21,167. If it was Callan put him out what had Lord Kenmare to do with it?—Oh, he wanted, out of charity, to do something for Callan, and when Callan was out Murphy came in and took forcible possession. You had the facts very fully from Mr. Leonard when he had all the documents here; I have not got any of the documents.

21,168. Have you at all had your attention drawn to the report of the only former commissioner on the Cowper Commission, Mr. Knipe?—I am not sure whether I read it or not; I do not recollect it.

21,169. There is one other question, merely that it may not be said that I have assented to your statement, you say you knew nothing of any secret societies existing in Kerry?—I knew nothing.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,170. Previous to 1880?—Except the Fenian Societies.

21,171. That was in 1866 and 1867?—Yes.

21,172. Did they continue in Kerry?—I do not think they did.

21,173. Am I to take it that you, living in the county, a magistrate, believed that no secret society existed there, Fenian or otherwise?—Other than the Land League.

21,174. You have not heard my question, I said until 1880?—Until 1880.

21,175. That is your statement?—Until about 1880.

Cross-examined by Mr. REID.

21,176. I understood you to say that before 1880 there had been in your opinion no outrages to speak of in county Kerry?—No.

21,177. That you say deliberately?—Yes.

21,178. Just let me read this to you from your evidence before the Cowper Commission, at page 548, beginning at Question 17,895. “(Sir James Caird.) When did the “Land League begin? (A.) I think in 1877 or 1878.” That was a mistake, was it not?—It was.

21,179. “(Q.) And about that same time outrages began? (A.) Yes. I will connect them in this way, that when the Land Act of 1871 was passed it gave the “tenant a sum equal to from three to five years’ compensation for disturbance. In “other words, if the landlord wished to change for an improving tenant he had to pay “five years’ compensation, and that I think encouraged the tenants into the idea that “the land was practically their own. (Q.) And this, indirectly, was the cause of the “outrages? (A.) Well, it tended to it. (Q.) Then they began in 1877? (A.) Yes, “sir, and they had very good years from 1870 to 1877, and then they kept quiet. (Q.) “And when the bad years came the outrages began? (A.) Yes. (Q.) And that from “1877 until now it has existed? (A.) Yes, outrages existed with very little chance of “their ceasing. (Q.) You have already told us that the Land League is not decreasing? “(A.) The Land League is not decreasing in power now, not in my opinion.” I think that is all that is relevant to this point. Now, Mr. Hussey, how came you to state then that in your opinion outrages began in 1877?—Well, I was wrong, recollecting them, I could not trace them then; I could not trace outrages in 1877.

21,180. You see you gave reasons; you say they had had very good years from 1870 to 1877, and then they kept quiet?—Yes.

21,181. And when the bad years came the outrages began?—Yes.

21,182. Is not that evidence that you gave before Lord Cowper’s Commission true that they kept quiet while the years were good, and that it was when the distress and bad years came that they began to be troublesome?—The distress in bad years was co-equal with the establishment of the Land League.

21,183. Do you really mean in the face of what you have said that the distress and misery consequent upon that distress was not the main cause of these outrages?—Certainly not.

21,184. You say it was not?—I say it was not; 1879 was a much worse year than 1882, and 1884, the year my house was blown up, was a very prosperous year.

21,185. I am speaking about the commencement, you are speaking of the year 1884, when your house was blown up?—Yes, I say that was a most prosperous year.

21,186. Do you mean to say that in that year the outrages were anything like the number of what they were in 1879 and 1880?—I have no return; I believe they were not what they were in 1880 and 1881.

21,187. I put it to you, whatever the cause may be, whether the outrages in the years, we will say, 1879, 1880, 1881, and 1882, until the Arrears Act, were not two-fold or three-fold as many as they were in 1884; do not you know that as a fact?—I have heard it sworn to here.

21,188. I mean, of course, you naturally attach importance to your house being blown up?—Yes, I naturally attach importance to an attempt to murder 15 innocent people to get at one.

21,189. I think you told Sir Charles Russell of Pat Shea’s house being levelled?—Yes.

21,190. And you have given an explanation, have you not?—Yes.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,191. I mean, you have given an explanation, and I will not ask you anything further about it; what was the date of that?—I cannot say, I have not the books of that property now.

21,192. Was it not early in September 1880; try and remember, will you?—Possibly; I will not dispute it.

21,193. Do you remember Pat Murphy's house being burnt?

(*The Attorney-General.*) That is the Perrott one?

21,194. (*Mr. R. T. Reid.*) Do you remember the date of that?—No.

21,195. Was it not within three days of the other; was it not at the same time, or within three days of Pat Shea's house?—I do not remember.

21,196. Do you remember the case of Maurice Kennedy's house being burnt at Ballincrane?—That is the case I have given my explanation of already.

21,197. If you please I want the date?—I am unable to give it to you.

21,198. I put it to you that these three houses were all in the same week, covered by seven days; is that so; you cannot deny that?—I will not dispute it for I have no dates.

21,199. Was not that before any Land League was started in the neighbourhood?—I cannot say when the Land League commenced in Kerry.

21,200. Have there been any burnings or any levellings of any tenants' houses since in Kerry?—I have not heard of any burnings.

21,201. I think I gathered from what you say, you may deny it if you desire to deny it, do you consider that burning a tenant's house on eviction, or levelling a tenant's house, is a very cruel practice?—Yes; but it is in some cases an absolute necessity. In those days there was no law inflicting a penalty upon tenants if they went back into possession again, and if they were evicted by the sheriff, unless you removed the house or put a man in charge, it was an idle formality, for he went back again the next night; but now a man can be prosecuted for going back.

21,202. Am I to understand that at this time you approved of the practice in any case?—Well, yes; it was necessary to remove the house, to level the house, if you wished to keep possession.

21,203. On eviction taking place?—On eviction taking place. It was necessary, if you wanted to keep possession, to do one of two things: put a man in charge of it or level the house.

21,204. I want to understand your view about it; did you consider burning houses on evictions, or levelling houses on evictions, was a practice in some cases justifiable and proper?—It was necessary, if you wished to keep possession of the holding, to level the house.

21,205. Was your opinion and view upon that subject known; did you express that opinion at the time?—I cannot say; I cannot remember.

21,206. I think all these three cases I have mentioned to you, which I suggest occurred in one week in September 1880, occurred under your management?—Yes.

21,207. Do you think that had anything to do with your unpopularity?—No.

Cross-examined by Mr. Lockwood.

21,208. I understand those occasions when you had to resort to these harsh measures of burning the holdings were before the establishment of the Land League?—Excuse me, sir, I deny giving any directions about burning these houses; they were done without my knowledge.

21,209. Just excuse me for a moment. I understood you were justifying the burning, on the ground of necessity?—I say in some cases it was necessary to burn or remove the houses if you wished to keep possession, but in those cases I neither authorised, directly or indirectly, the burning of those houses.

21,210. Do not let me be misunderstood in saying that you authorised them indirectly, but you put forward the answer you gave my learned friend as a justification?—Justifiable in the man who did it.

21,211. You regarded it at that time in the light of a necessity?—If you are not prepared to keep possession of the holding by putting a man in, you must level the house.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,212. Then I may take it from you that before the establishment of the Land League in this part of the country there was such a strong feeling occasioned by these evictions that in your opinion these harsh measures were necessary?—No.

21,213. Is that so?—No.

21,214. Then what do you mean?—I said if you take possession of a house, walked away, left the tenant at the other side of the ditch, he walked in the next moment, the moment the sheriff's back was turned.

21,215. I understand you to suggest that everybody treated an eviction as being an ordinary matter before the establishment of the Land League?—But the man himself did not treat it as an ordinary matter; he walked in, of course, if he could.

21,216. Was he not in that matter supported by his friends and his neighbours?—I do not know that he was.

21,217. Do you mean that you do not know?—I am certain Kennedy would not be the man —

21,218. Never mind Kennedy. I am asking you whether under those circumstances you do not know that the tenant was supported by his friends and neighbours?—No.

21,219. Did you think that, under the circumstances, these harsh measures were justifiable?—I say it was necessary, if you wished to keep possession of the holding, to remove the house or put a man in charge.

Cross-examined by Mr. MICHAEL DAVITT.

21,220. According to the report referred to by Sir Charles Russell, there would be a loss of about 9,000,000*l.* on the potato crop of 1879 as compared with that of 1876?—I cannot say.

21,221. According to the report read by him?—I am not answerable for that report.

21,222. Assuming that there are 500,000 of what are called poor holdings in Ireland, that would represent a loss of about 18*l.* on each holding?—I do not think there are 500,000 poor holdings in Ireland, to begin with, or anything like it.

21,223. Then you differ from Sir James Caird in that respect?—Sir James Caird is wrong if Tom's Almanack is right.

21,224. I think you will not find Tom's Almanack differ with him much. With reference to the district of Castleisland, it is rather populous, is it not?—Not so much as the rest of Kerry.

21,225. I would not say it was a populous district.

21,226. What district do you say, of the same area, is more populous?—Killarney, Kenmare.

21,227. You say that the farms are principally grass farms?—Yes.

21,228. Grass farms do not give so much employment as tillage farms?—No.

21,229. Then in the district of Castleisland there must be a very large number of young men who have literally nothing to do in the winter months?—Yes, but it is not a densely populated place.

21,230. There are a large number of young men who have nothing to do in the winter?—They work very little in Castleisland.

21,231. I suppose you have no theatre in Castleisland?—No.

21,232. No music hall?—No, nothing but 50 public-houses.

21,233. No social clubs?—No.

21,234. Then under this state of things there is every inducement for young men to take part in adventures and so on?—Yes. I do not think any man should have any temptation to shoot his neighbour.

21,235. I was not talking about shooting?—These raids generally resulted in that.

21,236. If there were better inducements than those I have referred to, I presume there would be less of these outrages and less of these shootings?—I am afraid Castleisland is beyond redemption.

21,237. But you admit that idleness has a good deal, according to a certain rhyme, to do with it?—No doubt of it.

21,238. With bad actions?—Yes.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,239. You have spoken, Mr. Hussey, of your popularity with the tenants before 1880?—I said I got on fairly well with them. I do not think any agent was really popular.

21,240. Well, relatively?—Relatively.

21,241. I think you said you got on very well with your tenants?—Very well.

21,242. Pardon me for asking you if this story is true. Did you ever say, in reply to a question put to you by Mr. Townsend Trench, as to why you were not shot, that you told the tenants that if anything happened to you he would succeed you as the agent?—Yes, and a very good joke it was, I think, but it was not original, because it was what Charles II. said to James II.

Cross-examined by Mr. BIGGAR.

21,243. You stated a few minutes ago that there were 50 public-houses in Castleisland?—Yes.

21,244. Do you know who granted these licenses?—I presume the magistrates.

21,245. The magistrates for the county?—Yes.

21,246. Has anyone else power to grant a license except the magistrates for the county?—No.

21,247. And the magistrates of county Kerry are usually land agents or landlords?—Latterly a good many others have been imported.

21,248. But during the time that these licenses were granted, they were mostly agents and landlords?—Yes. I was 37 years a magistrate, and I never voted for one of them.

21,249. In your evidence you said it was no criminal offence up till a recent date to take forcible possession of premises from which an eviction had taken place?—There was great difficulty in making a man amenable.

21,250. Was it not possible to summon them for trespass at the petty sessions, of which the local landlords and agents were the magistrates, and impose an accumulative fine, which would in case the fines were not paid, be the means of sending the man to prison?—It was very difficult to do it, because they locked up the door and had a scout to see when anyone was coming.

21,251. But the landlords had a criminal remedy in point of fact?—In theory.

21,252. And in practice also?—It was very hard to practice.

21,253. Was it not also an indictable offence to take forcible possession?—I never heard so. I thought the best way was to evict.

21,254. I suppose you thought the most convenient way was to pull down the house or burn it to save trouble afterwards?—I gave my answer before, that if you wish to keep a farm in your own possession you either had to put a man in charge or remove the house.

21,255. You said you were exceedingly popular up to October 1880?—I never had a serious threat until you mentioned my name in Castleisland, and then the whole people of the town told me to get police protection “or you will be shot.”

21,256. Were not you booed through the streets of Castleisland half a year before that?—I do not think I was; I do not remember any such occurrence.

21,257. Was there not a bonfire burnt in Castleisland when you bought the Oran property?—Yes. That was when it went against me at one stage of the proceedings.

21,258. No. When the property was said to be bought by you, did not some of your sympathisers burn a bonfire?

(*The Attorney-General.*) What year?

(*Mr. Biggar.*) In 1878.

21,259. Was not a bonfire burnt in Castleisland on account of your buying the property?—There were nine of them burnt in Kerry.

21,260. And did the population who lived near you and knew something of your character scatter this bonfire and put it out?—I heard there was a row over it.

21,261. And you still contend that you were very popular in 1880?—I said fairly popular until you held out my name to the Land League for murder in Castleisland.

21,262. Will you quote passage in which you say I held you up for murder?—Yes. You said Hussey might be a very bad man, but you would take care of one thing, that if any person was charged with shooting me, or any agent, that he would get a fair trial, and that literally meant he would be paid.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

(*The President.*) Mr. Biggar, we shall have the speech.

(*The Witness.*) It is in evidence already, my Lord, I think.

21,263. (*Mr. Biggar.*) Will you tell me how much reduction in rent was recommended at the Castleisland meeting?—I cannot say.

21,264. Is it not a fact that the recommendation of the speakers at that Castleisland meeting was that the tenants should combine to get a reduction to the Government valuation, and no more?—I do not remember.

21,265. You do not remember that?—No.

21,266. In the "*Cork Examiner*" in 1875, did you write as follows of the Kenmare tenants: "I fear there is much truth in the saying that an Irish tenant's time is often occupied in thinking how he can humbug his landlord and oppress his neighbour." Did you write that in 1875 in the "*Cork Examiner*"?—I did, in reply to a tenant.

21,267. Was that calculated to make you popular, do you think?—It was for tenants who had labourers whom they were turning out.

21,268. Does not that apply to the tenants on the Kenmare estate?—It applied to one of them who was putting out his labourers at the time.

21,269. The word here is "Irish tenants." Now, you bought in 1878 what is called the Oran estate?—Yes.

(*The Attorney-General.*) Mr. Biggar, have you the whole of the letter you are reading from?

(*Mr. Biggar.*) I have not, it is merely a passage I am reading, nothing more.

21,270. You bought the Oran estate over the heads of the tenants, is not that so?—Certainly not.

21,271. You bought the estate for the purpose of making a profit out of it?—I bought the estate for the purpose of keeping a portion of it myself, and letting the rest to the tenants.

21,272. The tenants were not satisfied about that?—Some of them were.

21,273. Did not they litigate it?—Yes.

21,274. And it went to the House of Lords?—Before it went to the Court of Appeal I tendered the property to the tenants, and there is my tender (*producing a document.*)

21,275. How does it happen the proposition was not carried out?—I do not know, indeed.

(*Mr. Justice A. L. Smith.*) What date is that?

(*The Attorney General.*) The 25th July 1878.

21,276. (*Mr. Biggar.*) There was great excitement between you and these tenants upon the subject?—Between some of them, and when I had to hold on for the so-called trustees they turned on the trustees and went on my side.

21,277. Did you evict in April 1880 a tenant named Kelly?—Yes.

21,278. And there was a good deal of excitement over that too, was there not?—Yes.

21,279. And one of the brewers was shot arising out of that?—One of the what? there was nobody shot; and Kelly is now back in possession again, and very comfortable.

21,280. How many summonses did you issue on that occasion for trespass?—Against Kelly?

21,281. Yes?—I cannot say; he is back in possession; he is very well satisfied; he is the first tenant who paid me this year.

21,282. Is it the case that there were 104 summonses at the Petty Sessions arising out of this case?—Oh, indeed, I cannot say, there were three tenants there, and they were all fighting among themselves.

21,283. That was in June 1880, the summer months before the first meeting in Castleisland. You spoke of Perrot's case, you told us you did not authorise Perrot to burn this house?—No.

21,284. Did you keep him in your employment afterwards?—Yes.

21,285. You did not censure him or punish him in any way?—Well, I told him it was a very foolish thing to do.

21,286. At the same time that was rather a mild censure?—Well, if the house had been Murphy's own I might have censured him further.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,287. Did not another man, Moriarity, also burn a house?—You have had that in evidence before.

21,288. And you kept him in your employment also?—Yes.

21,289. And did not dismiss or punish any of these people?—No, I did not dismiss them in any way; but Kennedy was not a tenant, and had no business to be there.

21,290. There was another point which was raised in your cross-examination, namely, with regard to a caretaker; you do not think it is a severe thing to give notice of eviction, or to evict a person who is put in as caretaker; but is it not the fact that he loses the greater part of his time if he is evicted and taken back as a caretaker?—Not until his time for redemption is out.

21,291. Is it not a fact that he cannot appeal to the Land Court to have a judicial rent fixed if he has once been evicted?—He cannot as long as he is a caretaker.

21,292. But if he enters into a compromise with the landlord can he only do it upon terms which the landlord will agree to, and not have a judicial rent fixed?—Not unless he redeems and reconstitutes himself a tenant.

21,293. How can he do that after he has been a caretaker?—He can, six months from the date of eviction, by paying up the rent.

21,294. Under the present law?—This new law; we have not had much working of it yet.

21,295. (*The Attorney-General.*) You are referring to what it was at the time?—Yes.

21,296. (*Mr. Biggar.*) You were speaking about an address which you received from the tenants when you were the candidate for Tralee?—Yes.

21,297. Did you ever hear as to whether or not that address was got up by the bailiffs on the properties of which you were agent?—I am quite certain it was not, for I had no bailiffs on the property I came from.

21,298. Do you mean you had no rent warner?—I had a rent warner, but he never acted as bailiff.

21,299. Had he anything to do with it?—No, not to my knowledge; I am sure he had not. I gave an immense deal of employment there, and I believe that was the reason.

21,300. Have some of the tenants whom you say were not permanently evicted been out of possession for at least a year?—I cannot call to mind any.

21,301. What about one Flynn? Do you know a man named Con Flynn?—That is on Lord Kenmare's estate. That is three years ago. I do not know what became of it.

21,302. Was he out for two years?—I could not say.

21,303. Did you read or hear the evidence of Mr. Leonard?—Yes.

21,304. I may ask you do you agree in the main with the evidence of Mr. Leonard?—Yes.

21,305. Is there any part as to which you would raise an objection?—No, there is not.

21,306. Mr. Leonard gave us some evidence with regard to the question of malicious injuries, and the case which was put to him was the case of cutting off one ear of a working horse that was valued at 16*l.* before the injury took place; can you tell me how much cutting off the ear of a working horse valued at 16*l.* would lessen its market value?—Well, it was brought in proof before the sessions and grand jury that that horse was unsaleable because he was known as a maimed horse and a boycotted horse, and that the owner would be an unpopular man, and therefore the horse would not be saleable.

21,307. The unpopular man still keeps the horse in his possession, and he is useful for working purposes, the same as he was before?—I suppose he is if the ear was not badly cut.

21,308. How much injury would be caused to this man personally do you think, three or four pounds, perhaps?—Yes, perhaps.

21,309. That horse was damaged, according to your opinion, to the extent of three or four pounds, the amount of compensation given to the party whose horse was injured was 20*l.*?—That I do not know at all.

21,310. That is the evidence of Mr. Leonard, which you say you confirm?

(*The President.*) Mr. Biggar, you have made your point as to that, and we fully

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

appreciated it, from Mr. Leonard, and he knew the facts which this gentleman says he does not.

21,311. (*Mr. Biggar.*) Mr. Hussey, the present witness, says he adopts in the main the evidence of Mr. Leonard, and the evidence of Mr. Leonard was clearly that the amount of 20*l.* compensation was given, but I would like to go a little further; Mr. Leonard also swore that that was a typical case, and it was decided accordingly to the ordinary practice of the county Kerry magistrates; I suppose you agree with that doctrine also?—I do not, I think the county Kerry magistrates and the county Kerry grand jury exercise a strict supervision over all malicious injuries, but very often in these difficult cases the complainant comes forward and proves the injury, and there is no one on the other side to dispute him.

21,312. I thought you said in your evidence to-day that these cases were usually very carefully scrutinised by the ratepayers?—Very often they are, and they are very often not. I suppose two thirds of the cases are fought very hard, and the other third totally neglected.

21,213. You do not exactly agree with Mr. Leonard in his statement that this is a typical case, in fact, Mr. Leonard swore that the county Kerry magistrates were in the habit of giving more than reasonable compensation for the amount of injury done?—That is not my opinion of the grand jury.

21,314. You do not agree with Mr. Leonard in that?—No, I do not.

(*The Attorney-General.*) My Lord, with reference to the first cross-examination about the crimes, I would ask only that two pages, it happens to be very short, pages 29 and 30, from which Sir Charles Russell was reading the extract, should be printed on your Lordship's proceedings.

(*The President.*) Pages 29 and 30 of what?

(*The Attorney-General.*) Document 131. Your Lordship will see, if your Lordship will look at it, it will save a good many questions. It is the document from which Sir Charles read. Your Lordship will see it all finishes on the next page.

(*The President.*) Yes.

(*The Attorney-General.*) It will save me a good many questions.

(*The President.*) Yes.

[The document was put in and was as follows] :

COUNTY OF KERRY.

RETURN of all Agrarian Outrages committed in the above-named County from 1st January 1879 to 31st January 1880, giving Particulars of Crime, Arrests, and Results of Proceedings.

No.	Date of Offence.	Names of Injured Persons.	OFFENCE.		Names of Persons made Amenable.	Result of Proceedings.
			Description.	Short Details.		
1	1879. 18 Mar.	Charles Denny	Incendiary fire	An out-house, Mr. Denny's property, was maliciously burned on a farm, from which a tenant was about being evicted owing to his insolvency. Mr. Denny was awarded 25 <i>l.</i> compensation at Tralee Summer Assizes, 1879.	Nil	Nil.
2	31 Mar.	James Delaney	Do. - - -	The injured man's forge was maliciously set on fire, but it was soon observed, and little or no harm done. The supposed motive was a dispute about land.	Nil	Nil.
3	3 Apr.	James Deane	Intimidation by threatening letter.	A threatening letter was addressed to, and received by, Mr. Deane, which was signed by the writer, "R. Emperor L. O'Neill," and dated from "No. 18, Charles Street, London." Some years ago Mr. Deane got possession of a farm from which O'Neill's father was evicted. The writer sent the most abject apology to Mr. Deane's London solicitor, who was going to take action in the case, and the matter ended.	Nil	Nil.
4	19 Apr.	J. C. Neligan and Patrick Sullivan.	Intimidation otherwise than by threatening letters or notices.	Mr. Neligan evicted a tenant named Michael Quinlan, sen., for non-payment of rent, and let his farm to Patrick Sullivan for six months, subject to redemption by Quinlan, in consequence of which his son, Michael Quinlan, jun., threatened the lives of the injured persons in a public-house in Tralee in presence of Patrick Sullivan. (<i>See No. 5, reported with this case.</i>)	Michael Quinlan jun.	Bound to the peace for three years in two sureties of 40 <i>l.</i> each.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

No.	Date of Offence.	Names of Injured Persons.	OFFENCE.		Names of Persons made Amenable.	Result of Proceedings.
			Description.	Short Details.		
5	1879. 21 Apr.	J. C. Neligan -	Taking and holding forcible possession.	This case is connected with the last one. Young Quinlan broke the lock on the door of the dwelling-house from which his father and family were evicted, and re-took possession. The whole family went again to reside there, where they have continued since, having paid the arrears and settled with the landlord.	Nil	Nil.
6	9-10 July	Jeremiah Carmody -	Maiming cattle	An ass of Carmody's was maliciously maimed. Supposed motive, a family dispute about land.	Nil	Nil.
7	18 Aug.	James Brosnan -	Murder -	Deceased was murdered in his own house by his wife about 11 o'clock p.m., supposed by a hatchet, and his remains removed to an adjacent field, where it was found on 21st August 1879. A jealous feeling and a dread that deceased was going to sell his interest in his farm, of which he got possession on his marriage in February 1879, on payment of 140 <i>l.</i> debt due on it, but the latter in particular was the supposed motive.	Margaret Brosnan Patrick Collins - Denis Collins - Margaret Colbert James Brosnan -	Convicted of manslaughter and sentenced to 20 years' penal servitude. The Crown did not put these on trial, and they were discharged. Discharged by magistrates for want of evidence.
8	13 Sept.	Thomas Brown -	Injury to property	Three windows in Brown's dwelling-house were broken about 10 p.m., and three wooden gates also broken on same night; supposed motive is a dispute about land.	Nil	Nil.
9	19 Sept.	John Fitzgibbon - Catherine Fitzgibbon (wife).	Intimidation otherwise than by threatening letters or notices.	Some persons broke into the house at 11 p.m., assaulted Mrs. Fitzgibbon, and threatened the lives of herself and husband. Supposed motive, a dispute about land.	Patrick Shea - Jeremiah Shea. James Lynch.	Discharged at Petty Sessions, having proved an "alibi."
10	20 Sept.	John Harrington - James Harrington. Denis Houlihan, sen.	Affray -	A dispute arose relative to a quantity of sheaf oats, and a fight ensued in which hay-pikes, spades, and stones were freely used; the case was of a family nature. Ellen Harrington is sister-in-law to John and a daughter to Daniel Houlihan, senior. Her husband died some time ago, and the Harringtons wanted to deprive her of her farm, which created a bad feeling between the two families. (See No. 11, reported with this case.)	Daniel Houlihan, sen. Daniel Houlihan, jun. Denis Houlihan. Michael Houlihan. Cornelius Houlihan. Ellen Harrington. James Harrington. John Harrington (servant). Johanna Harrington. Bartholomew Tuohy. Daniel Houlihan, sen.	The magistrates in Petty Sessions bound all the parties to keep the peace for 12 months, the principals in 20 <i>l.</i> each, and two sureties of 10 <i>l.</i>
11	20 Sept.	John Harrington -	Assault endangering life.	The injured man received a blow of a stone in the head from the accused, which fractured his skull and placed his life in danger during above affray. (See No. 10.)		Please see result of case No. 10, which also applies in this case.
12	22-24 Sept.	Denis Tuohy -	Killing cattle -	A cow of Tuohy's was maliciously killed; he was supposed to be about taking a farm from which a neighbour was about to be evicted.	Nil	Nil.
13	1 Nov.	Richard Cussen -	Intimidation by threatening letter.	Mr. Cussen received a letter by post, threatening him if he went to Llistowel Quarter Sessions to have some ejectment cases tried there.	Nil	Nil.
14	28 Dec.	Julia O'Connor -	Do. -	Mrs. O'Connor received a letter by post, threatening her with many uneasy nights' rest. Supposed motive, a dispute about land.	Nil	Nil.
15	1880. 5 Jan.	John Sullivan -	Assault endangering life.	Accused beat injured man so severely in the head that his life was in danger for some days, a dispute having arisen relative to the grazing of about half an acre of land. They are connected by marriage.	Michael Horgan -	Bailed for trial at Spring Assizes, 1880.
16	13 Jan.	Julia O'Connor -	Incendiary fire	A rick of turf of Mrs. O'Connor's was fired near her dwelling-house for the reason stated at No. 14 above.	Nil	Nil.
17	16 Jan.	Ellen Lynch -	Injury to property	Windows broken in a house of Mrs. Lynch's; she had got possession of this house, with 60 acres of land, from which the former tenant was evicted for a breach of the conditions of his lease.	Nil	Nil.
18	25 Jan.	Landlords and tenants	Intimidation by threatening notice.	A notice was found posted on the chapel gate at Ballyduff, threatening any person who would take land from which a tenant would be evicted, unless he purchased it from the outgoing tenant, the evident motive being to prevent the neighbouring landlords (some of whom had ejectment notices served) from ejecting any of their tenants.	Nil	Nil.
19	27 Jan.	Timothy Foley -	Incendiary fire	A rick of hay, Foley's property, was maliciously burned; Foley was suspected of looking for a farm from which the tenant was about being evicted.	Nil	Nil.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

SUMMARY of Agrarian Offences Committed from 1st January 1879 to 31st January 1880.

OFFENCES.	Number of Cases in which Offenders were Convicted.	Number of Cases in which Offenders were made Amenable but not Convicted.	Number of Cases in which Offenders are awaiting Trial.	Number of Cases in which Offenders were neither Convicted nor made Amenable.	Total Number of Agrarian Outrages.	Year.	Month.	Number of Cases.
Offences against the person :								
Homicide: Murder - .	1	—	—	—	1	1879	Mar. -	2
Assault endangering life - .	1	—	1	—	2		Apr. -	3
Offences against property :								
Incendiary fire - .	—	—	—	4	4		July -	1
Taking and holding forcible possession.	—	—	—	1	1		Aug. -	1
Killing, cutting, or maiming cattle.	—	—	—	2	2		Sept. -	5
Offences against the public peace :								
Riots and affrays - .	1	—	—	—	1		Nov. -	1
Intimidation by threatening letters or notices.	—	—	—	4	4		Dec. -	1
Intimidation otherwise than by threatening letters and notices.	1	1	—	—	2			
Injury to property - .	—	—	—	2	2	1880	Jan. -	5
Total - .	4	1	1	13	19		Total -	19

I certify that I have personally examined this return and summary, and that they are correct.

Tralee, 7th March 1880.

The Inspector-General.

JOHN F. CRUCE,
1st County Inspector.

Re-examined by the ATTORNEY-GENERAL.

21,315. I want to refer to the summary. For 13 months ending 31st January 1880, total agrarian outrages for all Kerry, 19; murder, 1; assault, 2; incendiary fire, 4; taking possession, 1; killing and maiming cattle, 2. I need not refer to the last ones for a moment. What I want to know is this. In your opinion does that return fairly represent what you would suggest to be the normal condition of Kerry?—Nineteen?

21,316. Yes?—Yes; that is about it.

21,317. Had you known cases of private quarrel with regard to land before the year 1880?—Oh, yes.

21,318. Occurring from time to time?—Yes.

21,319. Where there was private injury or private quarrel (I only speak to you as a magistrate) in many cases was there complaint lodged by the person who had been injured?—Oh, yes.

21,320. Now I must put a specific question to you with reference to your own experience. You told us once or twice you managed a quarter of the county of Kerry?—Yes.

21,321. Do you know of any case in your management where a tenant has been prevented going into the Land Court because of arrears?—No.

21,322. You told my learned friend Sir C. Russell you never knew a claim lodged under the Act of 1870 on all the properties in which you were concerned?—No, I never had a claim lodged.

21,323. Why not; what was the reason they did not lodge a claim?—Because they preferred a fair rent. If I put a usurious rent upon them, such as they could not pay, of course they would.

21,324. You have been asked about raising rents. You have not given the figure. You heard Mr. Leonard's evidence?—Yes.

21,325. Was the statement he made as to the extent to which you raised Lord Kenmare's property correct?—I think so.

21,326. Beyond private discussions between particular tenants who might want to get their land for less—I suppose that occurs in every estate—whenever you want

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

to adjust a rent you generally find a tenant wants to get it for less than the landlord's agent asks?—Of course.

21,327. Beyond that kind of discussion, had any public statement ever been made against you for raising the rents prior to the time of the establishment of the Land League?—Yes, they said I ought not to have raised the rents.

21,328. That had been perfectly well known?—Yes.

21,329. And your relations with the people had existed knowing you had raised those rents?—I went night and day among them without any hindrance.

21,330. One word about this potato crop. Does the potato crop affect Kerry largely?—It affects the poorer districts largely, not so much about Castleisland and Tralee.

21,331. Does it affect the districts in which the estates to which you have been referring round Castleisland were situated?—Not so much as other parts of Kerry.

21,332. You have been asked a number of questions about the gross rental of Ireland. I want to ask a specific question. How did the rents in 1880 compare with the rents of 30 or 40 years before? I am speaking of your own rents?—The rents of 1880 were on an average 25 per cent. under what they were in 1840. I can give you some cases here.

21,333. I am quite satisfied with your answer. You have not been asked about detailed cases by my learned friend. I do not know whether I am entitled to ask you. My friend did not allow you to give figures as to your own evictions. What was the number of your own evictions; I think you said one per 1,000?—28 in 10 years in 2,018 tenants.

21,334. You have been asked about the return. Has notice to be given except where there is an inhabited house upon the holding?—No, I think not, although the point was raised.

21,335. Do those returns give any record where the tenant and landlord have settled after the notice of eviction has been given?—No; and latterly the practice is for the tenant never to come in and settle till the arrears notice is served.

21,336. You have anticipated what I was going to put to you.

(*Mr. Justice A. L. Smith.*) The evictions were given in 1876 at 1,200, and as going up by a very large jump in 1879 to 3,873. Do you say those were notices or actual evictions?

(*The Attorney-General.*) Are those returns of notices of eviction or actual evictions?

(*The Witness.*) They must be notices of eviction, I think.

(*Mr. Asquith.*) No.

(*Mr. R. T. Reid.*) No.

(*The Attorney-General.*) I shall prove it is perfectly correct.

(*Mr. R. T. Reid.*) The proportion of actual evictions is the same.

(*The President.*) The question is what he meant by his figures.

(*The Attorney-General.*) We know Sir Charles meant notices.

21,337. I want to know, is there a return, which has to be made to the sheriff, of the intention of issuing an eviction?—No; the sheriff gets no notice of the intention of eviction until he gets the *habere*.

21,338. Does the relieving officer have to make a return of the notice of eviction?—The relieving officer has.

21,339. Do those returns show any of the cases where the landlord and tenant have settled?—I believe not.

21,340. Do they show the cases of where the tenant has remained in under some arrangement made after the notices were served?—I believe not.

21,341. You said that latterly the tenant has never come in to settle until he has got a notice of eviction?—Until he has the notice from the relieving officer; he knows nothing can be done until then, and then he comes in and settles, very often.

21,342. (*The President.*) Does the relieving officer give the notice then?—No, my Lord; but latterly it is laid before the boards of guardians, and it is publicly announced in the papers.

21,343. (*The Attorney-General.*) It becomes known in the district by the relieving officer stating it to the board of guardians?—Yes, and the relieving officer very often is in communication with the tenants, and tells them when he gets it. Of course that is a fair thing to do.

21,344. Have you any opinion as to the reason why people have waited till the

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

notice of eviction so much in late years?—Very few people in Ireland now pay before they are actually compelled.

21,345. Sir Charles Russell, though he did not give any particulars, asked you about the debtors' summonses and bankruptcy summonses and other things enumerated; he did not mention one thing I wish to ask you about. Do you think the whole of the tenants, speaking of cash, in your experience had more or less money in 1885 and 1886 than they had before; I mean, do you think there was more money in the Savings Banks.

(*Mr. R. T. Reid.*) We have not asked about 1885 and 1886 at all.

(*The President.*) I think so.

(*Mr. R. T. Reid.*) The figures Sir Charles Russell referred to were 1879.

(*The Attorney-General.*) No; I will take whatever years my friend likes. I will take the actual years.

(*Mr. Justice A. L. Smith.*) Yes, 1879 Sir Charles Russell referred to.

21,346. (*The Attorney-General.*) What I want to know is, whether or not the savings of money by these people have increased during the time of this agitation or not?—I think they have.

21,347. Largely or not?—Largely.

21,348. You spoke about the public-houses both to Sir Charles Russell, I think, and Mr. Biggar. Has the amount spent in drink increased or not?—I think so, in Kerry.

21,348a. Do you say that from your own personal knowledge and observation?—Yes, I have seen more drunken people than usual.

(*Mr. R. T. Reid.*) This is capable of proof in some other way. This witness has not given us any figures. All these matters are capable of proof, I submit.

(*The Attorney-General.*) The last question I asked was whether the money spent in drink had increased, and he said, "Yes, it had." If my learned friend will pardon me, the questions put by Sir Charles Russell were perfectly general.

(*The President.*) They were. You say this is a qualification of his statement.

(*The Attorney-General.*) Or rather an addition; I do not call it a qualification.

21,349. As I understand, you charged for cutting of turf?—Yes.

21,350. If the money charged was spent into roads into this very bog, did the tenant get the advantage of those roads?—Yes.

21,351. He would get his turf more quickly or with less haulage, so that his labour was more remunerative?—Yes, and the bog was drained besides, so that the turf was of a much superior quality.

21,351a. The turf when cut was of a much superior quality?—Yes.

(*The Attorney-General.*) Now, my Lord, I particularly wish to correct a mistake of Sir Charles Russell in reference to the rents on Lord Kenmare's estates. I need do no more than give your Lordship the page and reference: Mr. Leonard's evidence, page 1002. My learned friend Sir Charles Russell, I am sure by inadvertence, told Mr. Hussey that Mr. Leonard's evidence was that no reduction was given on the 1879 rent. I will call your Lordship's attention to page 1001, question 15,196. Your Lordship may remember the cross-examination about a memorial which a bishop, or priest, or somebody was supposed to have signed. The same memorial was referred to at the bottom of page 1001. Sir Charles cautioned Mr. Hussey. This is Mr. Leonard's evidence: "Did Lord Kenmare, in answer to those representations, at that time make any reduction? (A.) They got the reduction on the rent. I could not tell you really, but I know they got the reduction on the November 1879 rent. (Q.) That is not an answer to what I was putting to you. Do you not know that Lord Kenmare said that if the low prices continued, he would the following Spring be willing to inquire into the matter, and, if necessary, presumably make a reduction. (A.) All I know is this, that on the November 1879 rent the tenants got 20 per cent. abatement, in addition to a large expenditure on the estate in the way of improvements and loans."

21,352. Is that so?—Yes.

(*Mr. Justice A. L. Smith.*) Look at 15,201, that is the point Sir Charles was upon.

(*The Attorney-General.*) "Was any abatement made until the next year is my question?"

—(A.) It was made on the November 1878 rent, which was payable in the following January and April."

(*Mr. Justice A. L. Smith.*) The point was that the reduction was not on the rent of 1879, but on the back rent.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

(*The Attorney-General.*) But the memorial referred to was in the autumn of 1880 just before this gale or payment.

21,352a. Do remember whether or not the abatement of 20 per cent. was made on the day of payment following that memorial?—To the best of my recollection it was. There was an abatement made, certainly in 1880.

21,353. The first payment?—Yes.

21,354. You were cross-examined about the case of a person named Shea. Will you explain, please; you did not give the whole of your explanation about the people fighting. As briefly as you can, tell me the facts?—The land was let to man named Macquin. He got his two daughters married to two sons-in-law, and they began to fight. I believe that was the cause of the financial difficulty.

21,355. Had the fact of tenants going back into their holdings after they had been evicted been known for years in Ireland before or not?—Yes.

21,356. I mean, had houses been occasionally pulled down in order to prevent possession being retaken previously in Ireland?—Very seldom. There were very few.

21,357. It was not often required?—No.

21,358. I particularly ask you with reference to the charges made against yourself, but let me read to you the evidence of Mr. Leonard with reference to that case of the Rath House. I will ask your Lordship to let me give you the page—964, question 14,490. You have said to-day you had nothing to do with that yourself. Listen to this:—"I brought a caretaker's summons against Murphy, and my bailiff's and a young assistant named Perrot went to execute it. They met with every resistance, hot water, &c. (*Sir C. Russell.*) Were you there? (A.) No, except it was what they reported to me. (*The Attorney-General.*) It was reported to you that they met with resistance? (A.) Yes. (Q.) I must put a question I ought to have put earlier. Had you before 1881 had to carry out any evictions? (A.) Yes. (Q.) Had you ever before 1881 been met by barricaded houses? (A.) No, never. The sheriff used to go with only a bailiff with him; no police or anything. (Q.) Had there ever been then, as far as you know, prior to the Land League agitation, any organised resistance to the execution of the sheriff's writs? (A.) Never. (Q.) What was the next thing that happened to this holding of Murphy's? (A.) The bailiffs got instructions from me to take out the doors and windows to prevent Murphy retaking possession, and I am informed that when they were proceeding to do so Mrs. Murphy turned round. (*Sir C. Russell.*) No, no. (*The Attorney-General.*) I will not ask you anything further. A statement was made to you. Was the house burnt? (A.) Yes. (Q.) Without your knowledge or without your consent in any way? (A.) Certainly. (Q.) Quite independently of any action of yours or on behalf of Lord Kenmare? (A.) Certainly, we never knew a word of it till the police reported it at eight o'clock at night." That was not cross-examined to; that is evidence in chief, and no cross-examination by any one of these gentlemen. Now I ask you, as far as you know, was that true?—Yes.

21,359. Had you any knowledge of the burning down of the house in that case of the man Murphy?—No, not till two days after.

21,360. Now, will you please tell us about Kennedy's case, where there was a burning; just explain to my Lord what that was?—I thought I explained that before.

(*The President.*) Yes, I thought so.

(*The Attorney-General.*) Very well, my Lord, that is quite sufficient.

21,361. Now, the third case which was mentioned, what was that case?—Shea's case; you have the three cases which were mentioned.

21,362. Then I have mentioned them all now. You have been asked about there being less crime in 1884. My learned friend Mr. Reid cross-examined you. Was there any reason, in your opinion, with regard to the state of the law, which prevented crime in 1884?—I believe so.

21,363. What was it?—I forget now. There were increased precautions taken.

21,364. Whether or not, there was a Crimes Act in force in 1884; do you remember, or not?—I believe so.

21,365. You were cross-examined about a letter to a tenant of 1875; I am not sure that the explanation was fully heard, but briefly say what it was in 1875. Mr. Biggar read a portion of a letter?—A tenant and I got into correspondence about his turning out his labourers. It was one tenant, and he did not want to pay the rent himself, and I said an Irish tenant liked to humbug his landlord and to oppress his labourers, and so this man did.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,366. What was your opinion at this time?—That was my opinion at this time of this man.

21,367. That was a public statement you made in a letter which was published?—Yes, in 1875.

21,368. And there the episode ended?—There was a paper war.

21,369. I must ask you about this Harenc estate. You purchased the Harenc estate?—Yes.

21,370. Was an offer made by two people named Lombard and Murphy?—Yes.

21,371. You having previously purchased it?—Yes.

21,372. Was the judgment in the Court of Appeal in your favour on the ground that that offer was not a *bonâ fide* one?—Yes.

21,373. Did you subsequently make a public offer to let the tenants, all of them, have it if your expenses were repaid?—Previously to my going into the Court of Appeal, and they would have had it 500*l.* cheaper.

(*Mr. R. T. Reid.*) Put in the notice.

(*The Attorney-General.*) It shall appear on the face of the print. It is the printed order of the 29th July 1878.

[*The document was put in and was as follows*]:—

“ (Copy.)

“ *Re Harenc Estate.*

“ Memorandum.

“ 29th July 1878.

“ (*Note.*—It is expressly stipulated by Mr. Hussey and his solicitor, that if the following offer be not acceded to by Messrs. Lombard and Murphy on or before 3 o'clock on Wednesday, the 31st July 1878, it shall not in any way be binding on Mr. Hussey; and, further, that it shall not in any event be or in any way used or referred to before the Court of Appeal or judge, or in any other way used against Mr. Hussey.)

“ Mr. Hussey offers to withdraw his appeal, and not to oppose Messrs. Lombard and Murphy's offer being accepted, provided Messrs. Lombard and Murphy will adopt Mr. Hussey's arrangements with Mr. Hewson and Mr. Gentleman, and that Messrs. Lombard and Murphy will allow the twenty-two tenants, Mathias Murphy and others named in the affidavit of Mathias Murphy and others filed the 17th day of April 1878, to purchase their holdings at 23 years' purchase, or, at their, the tenants' option, to give them leases for 31 years at their present rents and terms as to turbary; and provided Messrs. Lombard and Murphy pay Mr. Hussey 750*l.* (seven hundred and fifty pounds) to cover his loss of interest on his purchase-money lying idle, his expenditure on bogs, and his costs and other expenses.

“ Copy of the above memorandum of term handed by Thomas F. O'Connell, solicitor, to Mr. Plunkett, solicitor for Messrs. Murphy and Lombard, on the 29th July 1878.”

21,374. I should like to ask you one question about a particular outrage or crime, which Sir Charles Russell referred to. I think it was the murder of Brosnan. Had that anything to do with the agrarian outrage at all?—I forget all about it. I was told where it was.

21,375. You do not remember it?—No.

21,376. You do not remember it as connected with agrarian outrage?—No.

21,377. Where was it?—I cannot say.

(*Mr. R. T. Reid.*) It was not an agrarian outrage.

(*The Attorney-General.*) Very well, that is all I wanted to elicit.

(*Mr. R. T. Reid.*) It was a family quarrel.

21,378. (*The Attorney-General.*) I think that is all?—There is one question you asked me, which I did not answer fully. You asked me about intimidation against the payment of rent, and the payment of rent by stealth. On the 10th November.

21,379. Is this a particular case?—Yes.

21,380. I am afraid you are not entitled to go into it now, because you gave the general answer, and Sir Charles Russell did not ask you any question about it. Therefore, you are not entitled to go into the particular case now.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

(*The Attorney-General.*) The statute under which that notice has to be given, it may be convenient for your Lordship to know, is the 11th & 12th Vict. c. 47. ss. 2 and 3.

(*The President.*) What notice?

(*The Attorney-General.*) Notice to the relieving officer: "Before any writ, decree, or order for delivering or taking up possession of any inhabited dwelling-house or building used as a dwelling-house shall be executed."

21,381. You were asked about nine bonfires being lit, and one of them put out. I suppose the Irish people are not very averse to a row at times?—No.

21,382. And bonfires, I suppose, do produce rows?—Yes.

21,383. At any rate, your popularity was not measured by the one bonfire?—No.

(*Mr. R. T. Reid.*) My Lord, there was one answer given by the witness in re-examination about the comparison of rents now or in 1879, I forget which, and in 1840. I should like to ask a question upon that. It is new matter.

(*The President.*) Yes.

Further cross-examined by Mr. R. T. REID.

21,384. I understood you to say to the Attorney-General that the rents were in 1879 25 per cent. less than they were in 1840?

(*The Attorney General.*) The rents on his estates.

(*The President.*) I do not think he said in 1879.

(*The Attorney-General.*) The rents on his estates. (*To the Witness.*) Repeat the answer.

(*Mr. Justice A. L. Smith.*) It was between 1880 and 1840.

(*Mr. R. T. Reid.*) I am obliged to your Lordship.

21,385. The comparison is between 1880 and 1840?—Yes.

21,386. Does that apply to your own estates alone?—Generally to the estates I manage in Kerry.

21,387. Founded upon some figures, I presume?—Founded on isolated cases here and there, up and down.

21,388. Let us understand. Have you made any calculation or comparison of figures?—I will give you one here now.

21,389. No; excuse me. Answer me. Have you made any calculation or comparison of figures to arrive at that result?—Yes.

21,390. Where is it?—No, I have not made it *in globo*. I have made it in individual cases.

21,391. You mean in some cases you find that is the disparity?—Yes.

21,392. And from that infer that it is so in all?—Generally speaking in estates for which I am agent I find it so.

21,393. Do excuse me and let me get the grounds for your statement. What I want is the grounds of your statement. Do you say the grounds of your statement are isolated cases taken here and there. Is that so?—Yes.

21,394. How many cases?—I will give you one estate.

21,395. I do not want you to give me any. I want the principle of all?—60 cases on one estate, right in the centre of the county.

21,396. On whose estate?—It was Mr. Osborn's.

21,397. And how many tenants were there?—60.

21,398. That is to say, you have taken the whole of his estate?—The whole of his estate.

21,399. Now any other estate?—There are some of my own.

21,400. How many?—I will give a case of three tenants whose rent was then 70*l.* and which is now 50*l.*

21,401. I do not want you to give me a case. I want you to tell me upon what figures your calculation is based—upon how many cases on your own estate?—I could quote about 15, I think, in my own estate.

21,402. You have calculated it upon 15?—Yes.

21,403. How many tenants have you?—On the estates on which I calculated I suppose I have 30.

21,404. How many more instances have you taken?—I could not say.

21,405. Have you taken any more?—I think I have.

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

21,406. How many?—I have taken several on Lord Kenmare's estate.

21,407. How many?—I could not tell you.

21,408. Have you any figure or table you could supply to me?—No, I have not. I will give you one case as typical.

21,409. I do not want you to give me one case as typical. I want the basis. You are a business man, you understand what I mean?—I never made a table of it. The question came quite unexpectedly, but I have one case here further which I am very anxious to put in.

(*Mr. Davitt.*) I should like to ask one question with reference to an answer given by the witness to the Attorney-General as to the number of houses levelled in Ireland.

Further cross-examined by Mr. DAVITT.

21,410. Did you say Ireland or Kerry?—I said nothing about Ireland.

21,411. I think I gathered there were very few houses levelled in Ireland?—No, I did not say that.

21,412. It was with reference to your own estate?—Yes.

21,413. But you know as a fact that thousands of houses were levelled after the famine of 1847 and 1848?—I know nothing but what I saw in the newspapers.

21,414. About an historical fact?—I know there were a good many on Lord Lucan's estate and Mr. Pollock's.

21,415. (*Mr. Biggar.*) Perhaps I may ask whether it was or not in 1840, before the repeal of the Corn Laws?—It was in this case; the rent is made entirely out of butter.

(*The Attorney-General.*) Never mind, you must not tell us that.

(*The Attorney-General.*) My Lords, I have had a little interlocutory discussion as to the way in which turbary was treated. I do not think it necessary in the least to trouble your Lordships with a discussion on it, but in case any point arises so that we may not overlook it, I just wish to mention that there is a case reported and which is in accordance with the view we think aright. It is the case of Sir Edward Hutcheson, and it is reported in the Law Reports for Ireland, 12th Common Law, at page 79.

(*Mr. Asquith.*) If your Lordships have come to any decision as to our right to inspect a letter from Mr. O'Kelly, we shall be glad of the opportunity of doing so.

(*The President.*) We have in regard to that letter. We wish to say something more upon the other letters.

(*Mr. Asquith.*) I only wish to say that it would be convenient in the interval between to-day and Tuesday, if we have a right to inspect it, that we may be allowed to do so in the interval.

(*The President.*) Upon that intimation from you that it would be convenient you should have it now, you may have that letter at once, and I will say what I have to say upon the matter afterwards. You are entitled to inspect that letter, and you may do so forthwith.

(*The Attorney-General.*) Perhaps I ought to state now we have not, and could not cover all the returns here for the whole of Kerry, because your Lordships will understand that we could not get the whole of the head inspectors for Kerry at the same time. Therefore I shall have to supplement that afterwards, with regard to certain matters, but I will endeavour to keep it distinct as far as I can and not mix it up with the other counties.

(*The President.*) Very well.

(*The Attorney-General to Mr. Lockwood.*) May I ask you whether you require proof of the proprietor of the "Cork Herald"?

(*Mr. Lockwood.*) My learned friend Sir Henry James has made a private communication to me and I will state at once what I stated to my friend. Mr. Hooper is not here in Court to-day; indeed, I believe he is in Ireland at present; but I have communicated with some gentleman who is familiar with his connexion with the "Cork Herald," and as far as I am able to make out, and I particularly guard myself in making this statement, I am only speaking now according to the best information I can get, Mr. Hooper, because the editor of the "Cork Herald" at some period of the year 1885, I see from the certificate of registration which my friend, Sir Henry James, has shown me, that he was an original shareholder. He is described there as a journalist, I believe, although I again say it is only on information I have gathered from the way I have intimated; but he had some subordinate position on the paper,

30 Nov. 1888.]

MR. SAMUEL MURRAY HUSSEY.

[Continued.]

which of course would not make him responsible, but he did become editor of the paper about the year 1885.

(*The Attorney-General.*) Perhaps you can answer whether it amounts to this, that at present you cannot admit anything before 1885.

(*Mr. Lockwood.*) No.

(*The Attorney-General.*) Except that he was a shareholder. I must be a little careful. It may prevent us to-day referring to certain matters we shall have to refer to. You do not deny he was a shareholder from the beginning.

(*Mr. Lockwood.*) No, I do not deny he was a shareholder from the date of the certificate you hold in your hand.

(*The Attorney-General.*) Which is the 26th January 1878, I must ask you kindly, as I am giving you notice, to ascertain by Tuesday morning whether he was not a director at a date long before that.

(*Mr. Lockwood.*) I have done what I can at the present. I have every wish to assist my friend.

JEREMIAH HEGARTY, sworn, examined by Mr. ATKINSON.

21,416. Do you reside in Millstreet, in the county of Cork?—Yes.

21,417. How long have you resided there?—Since 1857.

21,418. Do you carry on an extensive business as a shopkeeper?—I do.

21,419. And general merchant?—Yes.

21,420. Have you also large grazing farms?—I have large agricultural farms, both grazing and tillage.

21,421. Are you connected in business with many people in that district, or were you connected in business with many people in that district?—I was.

21,422. Do you know when a branch of the League was established in the town of Millstreet?—Yes, 1st August 1880.

21,423. Up to that time had you been on good terms with your neighbours and customers?—Yes.

21,424. Now shortly after the establishment of the League were you canvassed by any persons to join the League?—I was told generally that I had to fall in with the people that joined the League.

21,425. By whom were you told—any particular person? Were you told by any particular person? Had you any communication with any particular individual with reference to that?—I am not aware I had.

21,426. Did two men call upon you?—I do not remember they did in reference to joining the League.

21,427. Shortly after the establishment of the League did you see notices posted up through the town in reference to the traders joining it?—Yes.

21,428. What were those notices?—It was a resolution that I saw published.

(*Mr. Lockwood.*) We have already raised this objection before as to these notices.

(*The Attorney-General.*) We are fully aware of that, it is only with reference to notices that we are in a position to prove, or the loss of which we account for that we are to prove.

21,429. (*Mr. Atkinson.*) Did you see any notices posted up through the town, yes or no?—No, I did not.

21,430. You say you read something in the papers. We cannot have that at present—

(*Mr. Lockwood.*) Please do not suggest to the witness.

21,431. (*Mr. Atkinson.*) Now in the month of December did any members of the League call upon you?—No.

21,432. Did any person call on you with reference to any proceedings that had taken place at the League?—Well there was a party had a complaint; it would be in reference to what took place at the League.

21,433. Was he a member of the League?—Yes.

21,434. What was his name?—Well, I should prefer not mentioning it.

21,435. He was a member of the League?—He was, he was an official of the League.

21,436. After that visit did you see any notice then posted through the town?—The notice was posted in the town and broad scattered all over the district the day previous to that.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,437. The day previous to the visit?—Yes.

21,438. Did you see these notices yourself?—Yes, I did.

21,439. Did you read them?—Yes.

21,440. What were the contents of them?—Calling upon the people to have no dealings with me.

(*The Attorney-General.*) Your Lordships ruled on several previous occasions that where there were public notices posted up, and the man had read them, that he was entitled to say the public notice he read.

(*The President.*) The only departure that has taken place upon that ruling is that where you have the notice.

(*The Attorney-General.*) They are later ones. I am not sure whether we have the earlier ones.

21,441. (*Mr. Atkinson.*) Is that one to which you have referred (*handing a document to witness*)?—That is one; but there was one much more elaborate than that.

21,442. I am talking of the first one you saw, is this the first one?—This is one of the first, but there were two sets of notices on the same day. One was hand-printed, and that is the printed one of the 22nd December.

21,443. 22nd December 1880?—Yes.

21,444. Is that the other one (*handing another document to witness*)?—Yes, it is similar to that.

21,445. I will read the first one. It is a printed notice.

(*The President.*) Is there a date?

(*Mr. Atkinson.*) No date upon the notice; he gave December 22nd.

[*Document put in and read as follows*]:

“Take notice, you are cautioned against having any dealings with John Hegarty, of Millstreet, or his family; neither buy nor sell them anything, shun them as you would lepers. If you disobey this order may the Lord have mercy on you.”

The name of Hegarty is written on it.

(*The Attorney-General.*) It is a printed form, except the name of the person has been inserted, what the witness calls hand-printing is put in for the name of the individual so to be dealt with.

(*Mr. Atkinson.*) My Lords, this is the second one. It is hand-printed, as the witness calls it.

[*The following document was put in and read as follows*]:

“Assassination, Hull Lillian’s Cave, September 3rd, 1882. A proclamation. Moonlight. Whereas it now becometh known to me that in the town of Millstreet, and in the parish of Drisbane and Cullin, that there are ungrateful renegade Irishmen to be found capable of occupying the farms of the evicted. That in the town of Millstreet are to be found Irishmen base enough to converse with the bigotted and the boycotted. That also in that town are to be found ten Irish women mean and despicable enough to converse in public and in private with the blood-thirsty spirits of the Royal Irish Constabulary. Now we, Captain J. L. Moonlight, Governor-General and General Governor of this district for the time being with the advice, consent, and approval of my privy council do hereby make, order, and sayeth that such disgraceful and abominable workings shall now cease. This is to be the first and last warning to be given to those concerned. I shall not hesitate now to use cold steel in the upholding of my government, so let all beware.”

21,446. (*Mr. Lockwood.*) What is the date?

(*Mr. Atkinson.*) The date given to that is the 3rd September 1882.

(*Adjourned for a short time.*)

21,447. (*Mr. Atkinson.*) You told us you saw that notice in the month of 1880?—Yes.

21,448. The day after you saw that notice, did two persons come and stand opposite to your shop?—Yes.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,449. What were their names?—Patrick J. Murphy and Dennis Kelleher.

21,450. (*The President.*) What is the last name?

(*Mr. Atkinson.*) Your Lordship had better take the Christian name of Kelleher as there are two of them, Dennis Kelleher.

21,451. You mean two days after the notice you saw in the month of December 1880?—The notices were posted on the night of the 21st December 1880. The sentry was placed opposite my house during the day of the 22nd.

21,452. Did you observe what they were doing?—They were interfering with customers.

21,453. How?—They had a book and pencil, apparently taking down the names of the people who entered and left the shop; and they also offered violence to some people.

21,454. Confine yourself to what you saw yourself. Did you see them offer violence to any of your customers?—I did.

21,455. What did they do to them?—Well, they went round, a horse and cart was at the door and they interfered with the horse and brought the man to order for having the horse there, and told him to shove the horse out it.

21,456. How long did they remain opposite your place each day?—The whole day.

21,457. Did you speak to either of them yourself and remonstrate with them yourself in any way?—Not with those two.

21,458. Did you see any of the police speak to them?—I did.

21,459. What member of the police force?—Well, I saw Sergeant Meenaham—Head Constable Meenaham.

21,460. How long did this continue?—I recollect it continued up to the 10th January 1881.

21,461. The following year?—Yes, 1881.

21,462. Did they come each day?—Yes.

21,463. That is Mr. Murphy and Mr. Kelleher?—Yes.

21,464. Were they members of the League?—As far as I know they were.

21,465. Do you know whether they were or not?—I saw them always entering the rooms, and I saw resolutions passed in their names—purporting to be passed by the League and proposed by one of those persons.

(*Mr. Lockwood.*) Was he there?

21,466. (*Mr. Atkinson.*) You saw that in the papers?—Yes.

21,467. You saw them enter the League room?—Yes.

21,468. Distinctly?—Yes.

21,469. Did you subsequently prosecute those men, and were they convicted at the Winter Assizes in Cork in February 1881?—I should say not.

21,470. At all events, they were prosecuted and convicted?—Yes.

21,471. In March 1881?—Yes.

21,472. Now on the 24th December, in the year 1880, did anything happen to you or to any of your relatives who resided in Millstreet?—Well, the house of my brother-in-law was attacked, and violence offered some of the family.

21,473. Attacked by whom?—By parties of the town.

21,474. Did you see it yourself?—Yes, I was there myself; at least I came in as it was going on.

21,475. Was anything done to the house?—The windows were broken; several panes of glass were broken.

21,476. Was there a mob outside?—Stones were thrown, and a large crowd of people collected all round it.

21,477. Did you hear any groans given by the mob?—They had a general shouting and going on.

21,478. A couple of days after that did you write a letter to Mr. Davitt?—I wrote a letter to Mr. Davitt on the 26th December 1880.

21,479. Have you got a copy of it?—Yes (*producing same*).

21,480. I presume Mr. Davitt will either produce the original or admit the copy?

(*Mr. Davitt.*) I remember the correspondence, but I have no letter now.

21,481-2. (*Mr. Atkinson.*) Is this a correct copy of the letter you wrote?—Quite correct.

(*The President.*) Mr. Davitt will probably listen, and if it turns out that you do not remember you will say what it is.

30 Nov. 1888.]

[Continued.]

(Mr. Atkinson.) This is the letter:—

“ Millstreet, Co. Cork, December 26th, 1880.

“ Sir,—Though I do not agree in your general politics or in the entire programme of the Land League, of which body I am not a member, I am bound to say I greatly admire your manly utterances as regards coercion, and fully believe in the integrity and sincerity of your convictions from your point of view, and it is on this account that I feel it my duty to inform you of the uses to which the name of the League has been prostituted in this town, and probably equally so in many other districts, viz., to gratify spleen and private malice, and to annoy and ruin many individuals, against whom no charge could be adduced. For instance, a meeting of the Land League was held here on Tuesday last, at which a resolution was carried to boycott me. This was, I believe, opposed by the chairman, &c., and when he failed in his opposition, he insisted upon reasons being assigned for such an extraordinary act. This they also declined to do, and proceeded, during Tuesday night, posting notices, calling upon the people to have no dealings with me or my family in very offensive and unbecoming language, in addition to which a sentry of members of the League were posted opposite my business to intimidate people from entering my house. They also have attempted personal violence to myself, and on several occasions, during the past three nights, have broken into my brother-in-law's house in the public street at Millstreet (and for which informations have been lodged against them), for no reason except that they have been active in my hour of trial on my behalf. I have no doubt that there are many active, useful, and honest members in the Millstream Land League. On the other hand, it contains a sufficient number of members who, if looked at from any point of view, are certain to bring disgrace upon all the League organizations throughout this country. It is needless for me to particularise their conduct here, but I say without fear of contradiction that if every district in Ireland is governed by the same reign of terror as Millstreet that the Habeas Corpus Act is suspended in its most hideous form. I know numbers of people who are coerced into this business of the League by open and defiant threats of violence, &c. Surely such conduct as this is likely to weaken instead of being an element of strength to the interests of the poor tenant farmers of Ireland, whose wants so sadly require amelioration. Such cruel acts on individuals as have been practised on me are sure to evoke the indignation of every honest man in the community, whether in the Land League or out of it, and to produce the fruits they so richly merit. I have carried on an extensive trade in this town during the past 25 years, and have not during that time injured a man in my business dealings. If I have somewhat succeeded better than many of my neighbouring traders it is well known that it is by constant toil, untiring zeal, and persevering industry that I have so succeeded, and I fearlessly assert that I have in season and out of season during the time never lost an opportunity of advocating the interests of the farming community and an amendment of the land laws; even on selfish or personal grounds it could not be otherwise, as probably I am amongst the highest rented tenants in the community, my valuation being 240*l.*, rent 596*l.*, and holding chiefly as a yearly tenant. Every penny I have ever made has been spent in procuring employment for the labourers and artisans in the district during the last 10 years. I have given away in employment annually 1,000*l.* I have been endeavouring to educate and maintain fairly a large young family, and because a number of insolvent rowdies here have been enabled under the auspices of the Land League to stop me of following my usual calling, I am to be ruined and prevented from supporting that family, though there is no charge advanced against me. If trial, suffering, and deprivation of personal liberty be the result of the teaching of the Land League here, in the name of freedom, patriotism, and all that is dear and sacred to Irishmen at home and abroad I call upon the Government to exercise its prerogative and crush out and for ever such tyranny.

“ I am, Sir,

Yours truly,

“ To M. Davitt, Esq.,

“ Offices, Irish National Land League,

“ 39, Upper Sackville Street, Dublin.”

JEREMIAH HEGARTY, P.L.G.”

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

(*The Witness.*) There are three errors in that I wish to correct; about the first sentence, "I am not a member," there should be added to that "and don't intend to be."

21,483. That is in the original?—That is in the original.

21,484. Did you get any reply to that letter?—No.

21,485. Up to the time of that letter did you find any falling off in your business?—No.

21,486. Were you able up to the time you wrote that letter to the establishment of the League to procure provisions in the town?—Yes.

21,487. After the writing of the letter did any change take place?—Immediately.

21,488. What was the nature of the change?—Neither myself nor my family could get anything purchased in the town; that is, openly.

21,489. Were you able to get it even secretly?—In some instances we succeeded; in many more we did not.

21,490. Had you given any cause for that treatment in any way?—None whatever.

21,491. Except the not joining the League?—None whatever.

21,492. Had you any workmen in your employment named Kelleher and Buckley?—Yes.

21,493. About this time did they give you any threatening notice?—Yes.

21,494. Where were these at work for you?—They were working on the farms attached to my place; they were working on the different farms.

21,495. About what time do you remember did they give you the notice?—I should say that is about the 14th or 15th February 1881.

21,496. Did you take possession of the notice yourself or did you give it to the police?—I took possession of the notice myself for the time being and handed it to the police.

21,497. Do you know the member of the police force you handed it to?—I cannot really call to mind the name of the party.

21,498. Soon after that time you got those notices?—I should explain those notices reached the labourers enclosed in letters.

(*Mr. Atkinson.*) Those notices have been lost, my Lord. We will prove their loss presently.

21,499. Do you remember what was in them?—I do, more or less.

21,500. Will you give us the contents of them as far as you remember?—The contents was warning those people to leave my employment, that they should not be "traitors to their country," or words to that effect, and if they did not leave my employment they would be required to leave it in a very unpleasant manner, and would have to do so.

21,501. Now, shortly after the receipt of those notices by you, was any attack, to your knowledge, made upon the house of those labourers or any of them?—No.

21,502. Did you visit the house yourself?—I have no reason to visit the house of those two; one of those labourers left at once. The other man, Buckley, lived at Millstreet and did not leave till some time afterwards.

21,503. Which of them do you say left at once?—Kelleher.

21,504. Do you remember the trial of those two men who were sentries at your door at the Cork spring assizes?—Yes.

21,505. A few nights after that——

(*The President.*) After the trial?

21,506. (*Mr. Atkinson.*) Yes, my Lord. A few nights after the trial was your house in Millstreet attacked?—The night on which they were convicted.

21,507. The very night on which they were convicted?—Yes.

21,508. How far is Millstreet from the city of Cork?—I should say roundly 40 miles.

21,509. And there is railway accommodation?—Yes.

21,510. And telegraph?—Yes.

21,511. What was the size of this crowd?—Oh, several hundred.

21,512. What did they do?—Well, on my coming from the railway station to my home that evening a very large crowd of people met me outside the town and hooted me and rather jostled me about, and all that kind of thing. I succeeded in getting home and the same crowd followed me through the public streets. I succeeded in get-

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

ting home late at night. A very large crowd of people, probably a thousand people, got in front of my private house and business premises and kept wrecking it with stones.

21,513. Had the mob to be ultimately dispersed by police?—The 25th March.

21,514. How long did this last, this attack?—I should say about half an hour

21,515. Do you remember when the mob were dispersed anything being found to be wrong with the thatch of your brother-in-law's house?—A large number of people gathered about my brother-in-law's house, and it was set on fire.

21,516. The roof of it?—Yes.

21,517. Was your brother-in-law's family inside at that time?—They were.

21,518. Had you a farm at a place called Kippa?—Yes.

21,519. Had you a caretaker there?—Yes.

21,520. What was his name?—Daniel Swinn.

21,521. Was it a dairy farm?—It was. I had several servants there.

21,522. I suppose there was a dairy connected with the farm house?—Yes.

21,523. Now did you yourself get any report from Swinn as to anything that occurred there in the month of April 1881?—I got a report I think on the morning of the 18th April.

21,524. In consequence of that did you go to the place and see it?—Yes.

21,525. Was Swinn there?—Yes.

21,526. Did you find anything wrong with the place?—I found the door—the entrance door of the house, the windows broken, and I found a lot of ware in the house smashed.

21,527. That is connected with the dairy?—Connected with the farmhouse. We must have a regular establishment; and I found a lot of dairy utensils also knocked about; a lot of cream and milk spilt about the house, and a lot of meal and flour destroyed.

21,528. Had you also another labourer in your employment at the time, named James Tueing?—Yes.

21,529. Did he live upon the same farm?—He did.

21,530. Had you a man named Daniel Sullivan also?—No.

21,531. He was not in your employment?—No, he is a farmer living a distance away.

21,532. Do you remember after this riot, some short time after this riot being met on the road going to chapel one morning by two men?—Yes.

21,533. Had your brother-in-law before this been accustomed to collect in the chapel?—Yes, he collected one side of the chapel.

21,534. Now then, two persons met you on the road—what were their names?—Jeremiah O'Connell and John Reardon.

21,535. Were they officers of the Land League, do you know?—Yes, they were; they were the recognised secretaries of the League in my town.

21,536. Do you know the date of this, of this particular Sunday?—I do not exactly know the date.

21,537. Shortly after the 25th March?—Yes.

21,538. What did they do when you met them on the road?—They were engaged in conversation with the people when going to prayers on their way to the chapel, giving some instructions.

(Mr. Reid.) You did not hear them.

21,539. (Mr. Atkinson.) Are you able to say what they were saying to the people?—No.

21,540. When you entered the chapel did you see them doing anything inside?—No, but I saw the state the chapel was in.

21,541. What state was the chapel in?—My brother-in-law's side was altogether deserted by the people with the exception of a few people who used always to go—of course they could not be interfered with—all the people had left my brother-in-law's side of the chapel.

21,542. Were there many seats on the side of the chapel where your brother-in-law sat?—A great many.

21,543. Were they were all empty?—They were with the exception of—

21,544. How many?—Perhaps 10 to 15.

21,545. But all the rest of the congregation were away on the other side of the chapel?—Yes.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,546. Do you know a tradesman in Millstreet named O'Mahoney?—Yes, he is a tenant of mine.

21,547. In addition to being a tenant of yours, was he a friend of yours?—Yes.

21,548. Do you know whether he was a member of the League or not?—I am aware he was not.

21,549. Do you know yourself whether he had any difficulty in obtaining provisions?—The greatest.

21,550. Did you know a man of the name of Thomas Hennessey, a butcher?—Yes.

21,551. He is a butcher?—Yes.

21,552. Is he now in America?—Yes.

21,553. When did he leave?—I should say—I am not quite sure—he left about the year 1882.

21,554. Was Hennessey, the butcher, a member of the League?—Yes.

21,555. Do you know whether he held any office in it?—I am not quite sure about it, but he appeared to be very active in it, at all events. The League premises, I may say, are immediately behind my house, very near it.

21,556. Did you prosecute any person for any offence committed against you about this time? Do you remember about the month of June, or was it afterwards?—Murphy and Kelleher were prosecuted.

21,557. Do you know whether this is the handwriting of Hennessey, the butcher (*document handed to witness*)?—Yes, that is written by him.

(*Mr. Atkinson.*) I put in this letter, my Lord, which is Millstreet, 15th of June 1881.

“DEAR MR. O'MAHONEY,

“WILL you, for peace sake, send to Cork this evening for some meat and have it come up independent to-morrow, so as it will do me a great deal of good. There are some people in this town and they are forming every plan to know what way you are getting it; also, they had a meeting last night, and they said still I am giving it to you. If you get meat from Cork once or twice, it can be very easy to manage it after. Also, I heard to-day, your servant was leaving. If she is, tell her for her life not to tell anyone, for if she does tell anyone in town I will be destroyed, so for mercy's sake write to Cork this evening and order some meat for a week or fortnight, and it is painful to me to write this night to you; after a week it can be settled, and oblige yours,

“THOMAS HENNESSY.

“Millstreet.”

21,558. Do you know whether Hennessey had been in the habit of supplying Mr. O'Mahoney with meat?—Always.

21,559. Had Hennessey been in the habit of supplying you yourself?—Yes.

21,560. Did he cease to do so?—For the first time; for 25 years previously he did.

21,561. When did he cease?—He ceased immediately after Christmas 1880.

21,562. Do you know Mr. Kellar, a solicitor of Kintork?—Yes.

21,563. Are you a magistrate yourself?—Yes.

21,564. Have you seen a number of men prosecuted in the magistrates' courts and the quarter sessions in Millstreet?—Yes.

21,565. For assaults and other offences; Yes; I am speaking in my magisterial capacity what I saw done at the time.

21,566. Have you seen this man Kellar defending these people?—Invariably.

21,567. Have you seen who was giving him instructions?—Nearly always the secretary of the League.

21,568. The Land League?—Yes.

21,569. Did that gentleman come into Court?—Yes.

21,570. Did he sit beside him?—Sat beside him.

21,571. What was his name?—Mr. Riordon and Mr. O'Connell.

21,572. Do you remember when you prosecuted Kelleher and Murphy for coming before your house and acting as sentries before your house?—Yes.

21,573. Who defended them at the Cork Spring Assizes of 1881?—Mr. Kellar.

21,574. The same solicitor?—Yes.

21,575. Was the secretary of the Land League there also?—That is my recollection of it. I will not swear positively. I am quite satisfied it was Mr. Kellar.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,576. But did you see this gentleman, the secretary of the League also?—Oh, yes.

21,577. Interesting himself in the defence of these men?—Yes; he was there.

21,578. Did you hear him challenging the jury?—The secretary of the League?

21,579. Yes?—I do not recollect.

21,580. Or make any suggestions?—I do not recollect.

21,581. In April 1881, do you remember coming home from this farm of yours, Clenbannon, in a dog-cart at night, with your servant?—I do not.

21,582. Were you shot at?—That was in April 1885.

21,583. Did this boycotting continue from the date you have mentioned up to the year 1885?—Yes.

21,584. In that interval did you receive any threatening letters?—I never received a threatening letter with the exception of one.

21,585. When was that?—I should say it was about the year 1885.

21,586. Did you see any threatening notices posted in the town in addition to those two you have mentioned?—Well, there were notices posted up there from time to time, but I really cannot say of my own knowledge, unless I saw the notices, that I should know them. There were notices constantly posted up.

21,587. Take this bundle in your hand and say if you saw any of these notices posted up yourself. (*Notices handed to the witness.*) If you are not able to identify them at once, never mind. Did you see either of those posted up?—I saw them, but I cannot say I saw them posted up.

21,588. Where did you see them?—They were generally shown to me by the police.

(*The Attorney-General.*) Mr. Reid, do you object to these being read now. They are threatening letters and threatening notices. We are going to call the policeman to prove them all.

(*Mr. Reid.*) If my friend undertakes to call the police to prove them, the position is, that if my friend undertakes to do that they can be identified altogether in the course of a short time. Perhaps I might see them.

(*Mr. Atkinson.*) The only objection is that they will have to be proved by a great many policemen

(*The Attorney-General.*) I will show them to my learned friend, but if we are put to the strict proof of everyone of these, though they have been in the hands of the police some 18 or 20 years it means calling every constable who has had them in his possession.

(*The President.*) I hope that will not be necessary.

(*The Attorney-General.*) We have the officer in whose custody they have been for some time.

(*Mr. Reid.*) Would it not be the best thing, as this witness has not any relation to these documents, that we should have an opportunity of looking at them, and then when this officer whose custody they are in is called he will speak to them.

(*The President.*) I quite assent to that.

21,589. (*Mr. Atkinson.*) Now, Mr. Hegarty, did that state of things you describe continue up to the end of 1885?—Yes.

21,590. Do you remember coming home from this farm of yours at Clenbannon in the month of April 1885?—Yes.

21,591. Were you shot at?—Yes.

21,592. Were you struck?—No.

21,593. Did the smith from the town of Millstreet continue to shoe your horses for you up to 1885?—Yes.

21,594. Had he been working for you many years?—The past 25 or 30 years.

21,595. Did he then refuse to work?—Yes.

21,596. After being shot at did the same state of things continue, your inability to get provisions up to 1887, or was there any change?—Matters were worse a bit after that.

21,597. After what time?

(*Mr. Atkinson.*) After 1885, he said.

(*The President.*) In answer to your question he said he was boycotted till 1885.

21,598. (*Mr. Atkinson.*) After the firing in 1885 did the boycotting still continue?—Oh, yes.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

- 21,599. Was it more severe, or the contrary?—For some time after the shooting.
- 21,600. And did it continue up to the month of April 1887?—Yes.
- 21,601. Do you remember in April 1887 going home from the Millstreet railway station with your son and servant man?—Yes.
- 21,602. Were you fired at again?—Yes.
- 21,603. Did the first shot miss you?—Yes.
- 21,604. Were you struck with the second?—Yes.
- 21,605. Where were you hit?—On the shoulder and the right side of the head.
- 21,606. And are you still boycotted down to the present time?—Well, partially. I do not care very much about it now.
- 21,607. Before the establishment of the League was Millstreet a peaceful district?—As peaceful as there was in Ireland.
- 21,608. What was the police force, do you remember?—A sergeant and four men.
- 21,609. After the establishment of the League was it increased to 70 men?—I should say about that number.
- 21,610. And a district inspector?—Yes.
- 21,611. And does that force continue there still?—There is not that force at present, I believe; there are two barracks in the town at present, and three huts in the district.
- 21,612. Do you remember the time the Land League was suppressed?—Yes, I do.
- 21,613. Do you remember the time that the National League was started?—I do.
- 21,614. In that interval between the suppression of the one and the establishment of the other was there any cessation of the boycotting?—I thought myself that things were quieter.
- 21,615. Did this boycotting affect your trade much?—It took away the whole. I was doing a very large and very prosperous business, and had expended a very large amount of money upon it.
- 21,616. In round numbers, what had you lost by it?—I should say in round numbers for the eight years, about 16,000*l.* out of pocket.
- 21,617. I suppose you know something about the trade of the district?—Yes.
- 21,618. And also about the affairs of the farming population?—Yes.
- 21,619. Up to that time did you ever know of a man being punished for paying rent?—No.
- 21,620. Do you know what “moonlighting” is now?—Yes, I do.
- 21,621. Did you ever know of the offence of moonlighting being committed?—It was not known in the district.
- 21,622. It is not so now, I believe?—I am sorry to say it is not.

Cross-examined by Mr. REID.

- 21,623. I understand, Mr. Hegarty, that, in your view, you were an exceedingly popular man until December 1880?—I believe I was the most so in that part of the county of Cork.
- 21,624. The most popular man?—Yes.
- 21,625. And your only offence was that you would not join the Land League?—That is the only offence that I am aware of that I committed.
- 21,626. And from being the most popular man in the district, because you would not join the Land League, you have been boycotted ever since, and been shot at twice?—Yes.
- 21,627. That is the view you present?—That is the view that I take of it myself.
- 21,628. Have you ever had anything to do with evictions?—I have, but you will allow me to explain how.
- 21,629. As much as you like?—Up to 1880 I had not. Since 1880 I have become connected with the management of some properties in the neighbourhood.
- 21,630. You became connected, I believe, with property. I will not trouble about properties. But did not you become connected with an estate to carry out evictions by Mr. Lyons on his property?—I beg your pardon, the eviction of Lyons—do you remember?—Yes, there was a tenant of the name of Lyons evicted.
- 21,631. And you took part in it?—I was present on behalf of the landlord.
- 21,632. You took part in it?—Yes, I was present on behalf of the landlord.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,633. (*Mr. Justice A. L. Smith.*) What date, Mr. Reid.

(*Mr. Reid.*) I will ask him at once; what was the date of Lyons' eviction?—I should say, speaking from memory, it was February 1886.

21,634. That is quite recent; Riordon, when was that?—I should say it was about January 1887. I daresay, I am not quite sure. I should say January 1886, I am not quite accurate as to the dates.

21,635. It is quite enough for me if you say about 1886?—Yes.

21,636. Denehey, was that an eviction?—No. No eviction, properly speaking.

21,637. I was not connected with it. You had nothing to do with it?—No.

21,638. Took no part in it?—No.

21,639. Were you generally considered to take part in that?—I do not know what is considered. I cannot account for all that is considered. All I can say is I took no part in it.

21,640. (*Mr. Justice A. L. Smith.*) What was Denehey?—I should say the change in Denehey's farm took place in 1880.

21,641. (*Mr. Reid.*) Do you remember what time in 1880?—I should say the change of ownership of the farm took place in May 1880.

21,642. Who was the landlord?—Dr. Thompson.

21,643. Were you his bailiff?—No, I was not his bailiff. I was nobody's bailiff.

21,644. Were you his agent, or in his employment?—I am his agent now.

21,645. Were you then?—No.

21,646. Listen to me before you answer; you say no; you do not know what the question is. Were you in any way connected with him at this time?—No.

21,647. Am I to understand that you were not present, and were in no way concerned in Denehey's eviction?—No, there was no eviction in 1880.

21,648. But, if you please, in this change of occupation of the farm?—It is in 1880 the change took place in the occupation.

21,649. And were you in any way concerned with it directly or indirectly?—I was in this kind of way: allow me to explain. I acted at the earnest request of the tenant as mediator between him and the landlord; the result was that the little influence I had with the landlord at the time ended in what Denehey did not expect to get, namely, 28*l.*, with which I paid him out and got him receipt for it.

21,650. You acted as mediator?—Yes; and I did that principally at the request of Denehey.

21,651. What did you do; did you intercede for Denehey with the landlord?—I did.

21,652. What else did you have to do; did you pay the money or get the money, or get the land?—I got the money from the landlord and gave the money to the tenant, Denehey.

21,653. Did you take the land?—I did not take the land.

21,654. You did not become the occupant?—I did not.

21,655. Did any relation of yours take the land?—None whatever.

21,656. Let me come to the eviction of Dennis O'Leary, when was that?—I should say that it was in February 1886.

21,657. I will pass over that; O'Sullivan, was he evicted, J. R. O'Sullivan?—He was not.

21,658. But was there a change of occupation?—I do not consider there was.

21,659. Something happened in regard to the land?—I will tell you what happened, if you will allow me.

21,660. If you will tell me shortly I shall be obliged?—The tenant of the land went to Australia; he left directions to the rector of the parish to give up possession of the place to the landlord. In the meantime John Arrowsmith, who is a great celebrity in the neighbourhood, slipped into the place and took possession, cut the meadows and all that, and of course eventually he had to be put out of it.

21,661. That is your version of the story?—That is the true version.

21,662. Let us not discuss terms in the matter; I am saying your version of the story; you must not assume we are going to accept every word you say as Gospel. I say it is your version, that is quite enough, I am not complaining?—All I can say is you will find it true.

21,663. That is your version, let us proceed to business; when did this take place?

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

(*The President.*) Is this O'Sullivan's case?

(*Mr. Reid.*) Yes.

21,664. When did this matter take place, whenever it was?—I should say it was in March 1887.

21,665. Martin Forrest, is that recent?—I had no connexion with that.

21,666. Was it recent; you do not know, perhaps?—I should say it was in September 1886.

21,667. I do not want to pursue it if it was recent. Patrick Ford, was there an eviction in that case?—There was not; there is such a case though.

21,668. When was it, can you tell me?—I should say that it was, perhaps, in 1886; I think about 1886; allow me to explain about that now.

21,669. If you please?—Patrick Ford was not evicted by the landlord. I had a mortgage on the farm for a very large amount; the result was that I had to pay the head landlord two and a half years' rent. Mr. Ford refused either to pay the rent to the head landlord, or to pay 1*l.* interest on the mortgage; matters went on in that way until instead of the debt being 60*l.* it assumed the proportions of 247*l.* I offered, having the mortgage on the place, to sell the farm, and no matter what the loss would be, to take half the money, and he the other half, and let the loss go, he would not; he stopped there sometime, and then he gave up possession peaceably. After giving up possession peaceably I put him back into possession of the farm on his own representations that he would behave well for the future, or something of that kind. I very foolishly let him go back for two years, and during those two years he made no payment whatever, and ultimately I was obliged to put him out.

21,670. You have given your explanation, and I will now proceed to ask you questions with regard to an earlier date. When did you first act as sub-agent, or agent, or bailiff for landlords?—I became connected with a very small property in 1880.

21,671. That was the first?—Yes.

21,672. Can you tell me the name?—Mr. Singleton's.

21,673. Any others in the course of that year?—No.

21,674. When was the next property that you became bailiff for?—I did not become bailiff for any property.

21,675. Agent, sub-agent, or bailiff?—I do not wish to answer an insulting question.

(*The President.*) It is not intended so, I am sure; it is the word "bailiff," you know, Mr. Reid.

(*Mr. Reid.*) I was not aware that the term "bailiff" was an offensive term in Ireland, it is not so in England, and I did not mean anything offensive; I will say sub-agent. Nobody means to offend you.

(*The Attorney-General.*) Mr. Reid did not mean to be offensive.

(*The Witness.*) I accept it in that way, but I must say I took it the other way.

21,676. (*Mr. Reid.*) Sub-agent, or whatever it is?—I am sub-agent to some properties and agent to other properties.

21,677. When did you next become sub-agent to a property after April 1880?—I think towards the end of 1881.

21,678. Did you serve, or take part in serving, or direct to be served, processes at all in the year 1880?—No.

21,679. Did you hear of writs of any kind?—No.

21,680. Now, in addition to this, have you been charged, or were you suspected, or considered to be a landgrabber in any sense, do not think I am putting it offensively?—No; a tenant could not apply that to me. There is no man in Ireland it could with less truth be applied to.

21,681. Did you become possessed of a farm that had been occupied by a man called John Flynn?—I became possessed of my father-in-law's farm under his will.

21,682. Is John Flynn your father-in-law?—He was my father-in-law; he is dead.

21,683. Did he leave you this farm?—Yes, by his will.

21,684. And you entered into it in that capacity?—Yes, it was only 14 acres of land.

21,685. Were you the executor?—No, my wife, I believe, as far as I remember now; it is 18 or 19 years ago; I believe my wife was the executrix.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,686. 18 or 19 years ago?—Yes.

21,687. Now let me go to the piece of land that had been occupied by a man named Howlett?—Yes.

21,688. Did you know anything about some land that a man named Howlett had?—Yes; I will tell you about it, but it was not occupied by me.

21,689. What happened about that land?—I believe it was 20 perches; it was a small bit of land that was at the rear of my large premises that I was anxious to extend, the tenant having a holding a distance away from my premises was selling out his interest in it, which was only a yearly tenancy; he had been permitted on my application to sell the interest in this lease, which was a yearly tenancy, for which he got about 240*l.*, or something of that kind, some very large sum. In that change the bit of land, the property belonging to my premises which I was extending, was given to me unreservedly by Mr. Howlett; it was a bit of land about 20 perches, or I think less, that was at the immediate rear of my house; and at the rear of the premises that had been purchased by Mr. Howlett. I got that for the purpose of extending my premises; Howlett himself having stated at the time that it was no use to him; that he did not know anything about the value of the land, and that he had had it for the last 50 years in his possession, and he made me a present of it.

21,690. I think I have understood what you have said, and I will ask you whether I am right, correct me if I am wrong, that Mr. Howlett had been in occupation of some land, including a small portion of land at the rear of your premises, and that on some change or settlement he told you you might take it?—He was never in possession of it.

21,691. Who was?—His predecessor, a man of the name of Johnson.

21,692. And when he came into possession of the farm?—It was no farm at all, only a bit of ground about 15 or 20 perches, a bit of back road.

21,693. When he came into possession of the rest of the land you got possession of that piece of land by his consent. Is that so?—Yes.

21,694. Your statement is that that was by his consent?—Yes.

21,695. (*The President.*) But I understood this was only a little bit of land at the rear of your business premises?—Yes.

(*The President.*) Does the theory of land-grabbing extend to this?

(*Mr. Reid.*) I am trying to ascertain the circumstances.

(*The Witness.*) I do not think it was quite 15 perches, that is about one tenth of an acre.

21,696. (*Mr. Reid.*) When was this incident?—As far as I can recollect—I am not accurate as to the dates—it was in 1878 or 1879.

21,697. Now Cornelius Regan, was there any question about some land of Cornelius Regan?—Never.

21,698. Riordan I am told it is?—Not Riordan.

21,699. Was it John Riordan, or Regan?—Neither John Riordan or Regan. There is not a particle of truth in it. My Lords, I will ask you to permit me to explain as regards three *bonâ fide* evictions, that I presume is what Mr. Reid referred to, if I can do that in my cross-examination.

21,700. Certainly: I shall be very glad. I would ask you myself what you refer to?—I refer to those three evictions which were *bonâ fide* evictions, and I want to explain it to you and their Lordships.

21,701. What were their names, may I ask you?—One was Lyons, and the other was Riordan.

21,702. And Denehey?—Denehey; no.

21,703. And O'Leary?—O'Leary, Lyons, O'Leary, and Riordan. My Lords, in every one of those cases there was about four years' rent due; in the case of Riordan on the day of his eviction he owed a sum of 340*l.*, and I offered to settle the whole of that as well as with the other tenants, and to wipe out all the arrears on payment of only 40*l.*, and to allow them to sell their interests in the farm.

21,704. (*The Attorney-General.*) Will you just repeat that answer again?—I offered Riordan, who owed 340*l.* on the day of his eviction, that I would take only half a year's rent, that is 40*l.*; that I would wipe out all the arrears, the 300*l.*, and then give him permission to sell the interest in his farm for anything we would get a very substantial sum if he had done so, and that settlement was refused. I scarcely think it is fair to attack me upon that.

30 Nov. 1883.]

JEREMIAH HEGARTY.

[Continued.]

21,705. (*Mr. Reid.*) Nobody has been attacking you, I think?—I offered the same settlement in every case, and I would not be connected with the evictions unless I had been empowered to offer very liberal settlements.

21,706. What I am asking you about is the cause of your trouble the last eight years, and you say it is simply not joining the National League; I want to put to you whether you say these evictions, which you say were justifiable, were not a cause, or whether all the evictions in Ireland for a great many years have not been the cause of a great deal of discontent in the district: is that true?—Allow me to answer the first part of your question first; there was no eviction whatever on small property which I had to deal with up to the time my troubles commenced, and seriously commenced.

21,707. It is the case, is it not, that all evictions are a serious, and have been for some time a serious, cause of discontent in Ireland?—I am sorry to say it is to a large extent true, and that it has been made so.

21,708. When did the Land League start in your neighbourhood?—On the 1st August 1880.

21,709. And I believe you have been an opponent of the Land League pretty well from the commencement?—From the start, before I knew anything at all of the consequences of what was to follow, I stated to Mr. Davitt that I was not a member of that body, and did not intend to be.

21,710. I know you distinguished yourself from the commencement by opposition and hostility to the Land League?—Yes; I saw very clearly from the commencement what would be the result of the teachings of the Land League.

21,711. You may contend it, but you really ought to answer my questions simply; is it not the case that you have, for your own reasons, distinguished yourself from the commencement by hostility to the Land League?—Yes; I always defended myself from an attack as well as I could.

21,712. And have you not constantly, and from the very commencement, expressed an opinion in very strong terms about the Land League?—I have always done so.

21,713. Is it not the case that the Land League members consist of a great part of the population of the district in which you live, the National League now, we will call it—a very large number at all events?—Apparently it is so, but if I were to go into the component parts of it it would be quite a long history.

21,714. Is it not the case that it does embrace the greater part of the population?—It does a great number of the population.

21,715. And you belong to the Landlords' Defence Association, do you not?—No, I do not belong to the Defence Association, I belong to the Defence Union.

21,716. The Landlords' Defence Union?—Yes.

21,717. That is a body which is in the habit of bringing down emergency men, rightly or wrongly, I am not going to discuss that, into the district, is it not so?—They have a large number of men in their employment.

21,718. They are generally called "emergency men"?—Well, if you like.

21,719. Is not that the case, that they are generally called emergency men?—They are called all sorts of names.

21,720. When did you become a member of this Union?—On its start, about September 1885, and I may be permitted to explain that there is a very large number of persons connected with the association and subscribers to it who have no connexion with landlords.

21,721. You are telling me a great number of things and are running on beyond my questions. I ask you whether it is not the case that they are an association which bring the men up called emergency men to the district?—They get the men locally. I do not think they bring them down. They employ the men locally to assist boycotted people. I do not think they import any.

21,722. They employ the men locally at all events?—I think so.

21,723. And they are, I suppose, an unpopular body amongst those who are Land Leaguers?—As a matter of course everybody who would oppose the Land League must be unpopular in Ireland.

21,724. They cultivate evicted farms, do they not, to a great extent?—Yes, to this extent. If a farm is evicted and it becomes boycotted, they assist any boycotted trader or farmer. Any person who suffered.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,725. You have been acting in their interests for the last three or four years?—I was one of the executive of the Defence Union. I very seldom attend it now.

21,726. And therefore you actively take part in that association?—I am sorry to say I do not actively, because my time does not permit.

21,727. Before you joined this Landlords' Defence Union?—It is not a Landlords' Defence Union.

21,728. Property Defence Union. I beg your pardon, what is the name of it?—It is a Defence Union, but not the Landlords'.

21,729. Before you joined this Defence Union had you not been very busy in the same interests for a long time?—I do not quite follow your question.

21,730. I mean in that interest. Have you not busied yourself very considerably in endeavouring to get evicted farms occupied, and assisting boycotted people, and dealing with boycotted people very largely?—I have been very active all along in trying to assist people who had been suffering through boycotting, before I became connected with the Defence Union at all, and I have exerted myself as much as I could, and, as I was in duty bound to do, to get the people on evicted farms protected and supplied with food and so forth; of course I was bound to do that.

21,731. I am not discussing the propriety or impropriety of it, I am only asking you for facts; kindly give me the answer. Ever since 1880, when this Land League commenced, is not it true you have set yourself in favour of persons who were boycotted, and in favour of endeavouring to get evicted farms taken up. You have occupied yourself very diligently in that, have you not?—I have assisted boycotted people.

21,732. From the commencement?—Well, from the commencement, and I have endeavoured, of course, to make the most that could be of evicted farms on the properties with which I was connected.

21,733. You have said you lost 16,000*l.*?—I should think I did, fully.

21,734. Will you tell me how you make that up?—I have in arriving at that taken as the basis of my calculation the business I was doing previous to the time I was attacked.

21,735. Eight years?—Yes.

21,736. 16,000*l.*?—Yes.

21,737. That is at the rate of 2,000*l.* a year?—I was fully making that.

21,738. You were making a profit of 2,000*l.* a year before 1880?—I should say so.

21,739. In your business?—Yes.

21,740. What is your business?—I was in general business, every description of business. I farmed very largely.

21,741. You still continue to farm?—I still continue to farm, but I had to continue the farm for a very long time under very great disadvantages.

21,742. What other business have you besides farming?—I had then a general grocery, spirit, and coal store, and a timber store; and all other miscellaneous articles I sold.

21,743. You state that you put down your profit before at 2,000*l.* a year?—I think at that rate.

21,744. Or more than 2,000*l.*, perhaps?—I should say my business had very much extended for two or three years previous to that, and I had made very large additions.

21,745. What was the sum of money you were making in 1879; the profit?—I should say I was making about 2,000*l.*

21,746. And you have made nothing ever since?—I think the business since was a losing concern.

21,747. Do you remember this? Is this true? Do you know Archdeacon Bland?—Yes, I know him by repute. I do not know him personally.

21,748. In October 1880 did he evict some families near Millstreet who were in very poor lodgings?—Personally, I do not know.

21,749. Did you hear that?—I did hear it.

21,750. Had Archdeacon Bland omitted to give due notice to the guardians of evictions; the notice required by law?—I do not remember. That must have been a long time ago; I suppose 1879 or 1880. I was in no way concerned about his property.

21,751. Were you a member of the Millstreet Board of Guardians at that time?—I was.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,752. Do you remember it being proposed at the Millstreet Board of Guardians to proceed against Archdeacon Bland for the penalty for not giving notice?—Yes, I have some recollection that it so happened.

21,753. And do you recollect that you opposed proceeding against Archdeacon Bland?—I did.

21,754. Do you remember that?—I did. Will you allow me to explain that?

21,755. Certainly?—The matter now, as far as I recollect, was brought before the Board of Guardians at the time as an eviction carried out by Archdeacon Bland on property in a district with which I had no connexion whatever. I was in favour of proceeding against Archdeacon Bland at the time, and very strongly of that opinion. The subsequent board day a gentleman from Killarney, who was acting as his solicitor, came before the guardians and then and there stated the terms the tenants were offering, and I put it as a condition upon him at the meeting of the board, at least I asked the question very directly of him, whether he was still prepared to offer the same settlement, and would he still offer that settlement to the tenants, which was a very liberal settlement of the dispute at the time, and one that I thought very few landlords were prepared to make at that time. He said he was. He was bound to that effect, and seeing the way in which he was acting to the tenants on behalf of the landlord, I did not honestly conceive it to be my duty to be a party to prosecuting him.

21,756. As a matter of fact he had omitted to give these notices?—My recollection is that he had.

21,757. As a matter of fact it was also proposed to proceed against him for penalties?—I think the party who proposed it was myself originally.

21,758. Did you not ultimately oppose it?—I did when I saw the settlement.

21,759. Was not that an extremely unpopular thing, that opposition at the time?—No.

21,760. You say it was a popular thing?—I say it was a very popular thing, considering the very liberal settlement that he had offered.

21,761. I am not speaking of whether it was a proper thing or not.

21,762. (*The Attorney-General.*) He said popular?—It was a very popular thing at the time, Mr. Reid, to take the part of the evicted tenant, which I had done.

21,763. (*Mr. Reid.*) The point is this. Did you not incur great unpopularity by ultimately opposing the proceedings against Archdeacon Bland?—I do not think so.

Cross-examined by Mr. ARTHUR O'CONNOR.

21,764. How many men have you in your employment?—At present?

21,765. Yes?—I should say that I employ constantly 50 labouring men, besides the farm servants, on three or four farms.

21,766. Have you a man of the name of Kiely in your employment?—I have.

21,767. Have you a man of the name of Coonahan?—Yes.

21,768. Did you ever have a man of the name of Coonahan?—I had. He was a baker of mine.

21,769. You have always had a misgiving with regard to the character of the National League from the commencement, have not you?—I have.

21,770. Have you always anticipated that its proceedings would lead to misconduct?—I was always of opinion it would do a great deal of mischief. I had not the slightest doubt in my mind about it from the start.

21,771. And if disturbances of any kind followed meetings of the National League your anticipations were verified?—I have not been at meetings of the National League.

21,772. If any meetings of the National League were followed by misconduct in the neighbourhood, what you had looked for beforehand was realised?—Just so.

21,773. Was there a meeting in Millstreet on the 15th of August of the year 1886, on a Sunday?—I do not remember.

21,774. I may help you to remember it. Do you recollect that the windows of the Protestant church were broken upon that day?—Yes.

21,775. Listen to this: “John Kiely, junior, and Cornelius Coonahan charged for “that they did wilfully and maliciously break, damage, destroy, and injure several

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

“ panes of glass in the windows of the Protestant church at Liscahane, Millstreet, on the 15th day of August 1886.” Were those men fined 10s. each and 8s. compensation, to your knowledge?—No, I am not aware that they were.

21,776. Were those two men or was either of them in your employment?—No, they were two children about eight years of age.

21,777. Children of the men in your employment?—Yes; will you allow me to explain now?

(*The President.*) I do not think that calls for an explanation.

Cross-examined by Mr. DAVITT.

21,778. You have said twice with some emphasis that you told me you never joined the League, and would not join it?—I wrote to that effect.

21,779. Did I ever ask you to join it?—I was only telling you——

21,780. Answer my question?—You never did ask me, because I had not the pleasure of ever meeting you up to the present.

21,781. Did I ever coerce you to join it?—Never.

21,782. Now with reference to this very able letter of yours which you sent to me on the 26th December 1880, did it appear in the “Daily Telegraph” before it was sent to me?—No.

21,783. Are you sure of that?—I am.

21,784. Did you send it to the “Daily Telegraph” at all?—I sent it to the “Daily News.”

21,785. Afterwards?—Yes; I think it was sent to the “Daily News” on the 28th December, and it was also sent to the “Cork Herald” and the “Cork Examiner,” and published in three papers, and it was reproduced in 1885 in the “Cork Examiner” and the “Cork Herald,” I believe.

21,786. Was the letter written to me in consequence of anything I had said or written about boycotting?—I wrote the letter to you simply on the grounds stated in the letter, that I believed you would have used your great influence, as I believed you had at the time, and I believe you have still, against such cruelty being used against a man who had incurred no one’s displeasure or done no one any wrong.

21,787. You have explained that in the letter?—Yes, that is the reason I wrote it; I wrote it for the purpose of putting before you very plainly the uses to which the League had been prostituted in my district, and, as I thought then, and as I think still, in many other districts also by a very irresponsible class of people.

21,788. That is telling us again the contents of the letter. Had you read anything that I had written or spoken about that time against any people being coerced to join the League?—I do not remember I did; but I must have entertained a very high opinion of you from what I was reading from time to time, and it is with that confidence that I wrote you.

21,789. I am leading up to another question. Have you any recollection of anything being written by me expressly on behalf of the executive of the Land League against anything in the shape of coercion or intimidation to induce men to join the League?—I cannot call to mind now, but it is quite positive that I must have had some such idea in my head when I was writing the letter.

21,790. So I thought. I remember receiving your letter, and I thought I had written a reply. Are you certain that you got no reply?—I never did.

21,791. Did you hear of the local branch of the League being reprimanded by me for its conduct towards you?—Never.

21,792. You never heard of it?—Never. I was of opinion at all events (of course your explanation now is very satisfactory) that, of course, if I had received your reply, it would have run in the direction in which I wrote the letter, from my previous knowledge of what you had said and what I thought you meant, that at all events the League would have to take upon itself the transaction on its own account altogether.

21,793. You have no recollection of my ever saying anything in public in Ireland in the way of encouraging such boycotting as you have been subjected to?—No, I have not.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,794. You say in the letter, "The League in Millstreet has been prostituted, and probably it will be so in many parts of Ireland, to gratify spleen and private malice"?—Yes, I think so.

21,795. Then you think that trade jealousy or opposition in Millstreet may have had something to do with this boycotting?—There is no doubt. I am very strongly of that opinion; but you will allow me to explain that that could not have succeeded or been carried into effect were it not for the cloak and the protection the members of the National League gave it.

21,796. That is, the members of the National League in Millstreet?—In Millstreet, and I should say all over the country. In Dublin as well, because I should take it for granted you put the matter before the council of the Central League in Dublin.

21,797. You do not say, I suppose, that your case was discussed before the Land League in Dublin; do you say that?—I thought you were one of the executive at the time.

21,798. Yes, so I was?—And very prominently connected with it.

21,799. Do I understand you to say you believed or were under the impression that your case was discussed by the Land League in Dublin, and that the Land League in Dublin acquiesced in the boycotting?—No, I did not say that. But what I did say was this. I thought in addition to having your influence used in putting a stop to such tyranny as that, that it was possible you might feel it your duty also to lay that letter before the executive of the League in Dublin, who would deal with the matter officially.

21,800. You have said already that you have some recollection of some pronouncement of mine against boycotting?—I must have had. Were it not I had that opinion of you. I would not have written that letter to you.

21,801. I think you say in the letter the chairman of the local branch opposed some resolution that was directed against you?—Yes, I have reason to think so.

21,802. Then officially the local branch would not be unanimous in favour of the annoyance given to you?—The chairman, as far as my information went, from a member of the League and another person, were the only parties in the room who had the courage of getting up to oppose it.

21,803. Who was the chairman?—Mr. John Cronin.

21,804. What was he, a farmer?—A tenant farmer.

21,805. You have said that you experienced a good deal of trouble in recent years in getting provisions?—I experienced a good deal of trouble for a considerable time; that is, in Millstreet. I experienced no trouble in getting plenty of provisions out of Millstreet; I was never short of them.

21,806. Is not it a fact that you were a provision dealer yourself?—I was. The business in my place was kept going on for the purpose of sustaining people who were suffering from the tyranny of the League in my district, and therefore, of course, we were in a stronger position on that account, because there was a good deal of the provisions.

21,807. That is not an answer to my question. You said a while ago you experienced a good deal of trouble in getting provisions. I asked you, did you not deal in provisions yourself?—In such things as meat and those things we did not.

21,808. Then you were never put to any privation as a matter of food?—I did not suffer from hunger. For instance, when I was put to a hard pinch I came to some of my own sheep, and I killed them for mutton. I was determined that I would not be beaten in the matter.

21,809. You could always have done that previously?—It would not have paid me to do it previously. It would be better to get a leg of mutton for my family; it would be cheaper than killing a sheep.

21,810. You deal in groceries?—Yes.

21,811. Flour?—Yes.

21,812. I hope you never suffered any hunger?—I never suffered any hunger, but I must tell you, if you will allow me to explain (I do not mean it in any way despairing to you, Mr. Davitt), that even the wholesale provision dealers who supply me with things such as meal and flour and other articles were interfered with, and a deputation of the League waited upon them to ask them not to supply me. In fact, on one or two occasions, some of those large people sent goods to me stealthily, which I refused to accept.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,813. You were a general dealer, you dealt in several things?—I was.

21,814. There are, I suppose, in Millstreet, as in every other Irish country town, a large number of small dealers, small shopkeepers?—There are large and small there.

21,815. But there are, as you know, a large number of small dealers?—Yes.

21,816. Then they would be jealous of your large establishment and the general character of your merchandise, would they not?—Well, very naturally they would; but I must tell you that with all my fellow traders I was on the most friendly terms, and very popular with all the tradesmen in the town.

21,817. But it is a fact that the small dealers look upon the large and prosperous shops as calculated to wipe them out, to use a vulgar expression. Is not that so?—Well, if you will have it so.

21,818. That would possibly have something to do with your unpopularity?—All I can tell you is in a great many cases many of the small dealers looked up to me for help, and they always got it.

21,819. What is the population of Millstreet, roughly?—I should say about 1,300 or 1,400.

21,820. You say that in 1880, if I recollect right, it had a force of seven police?—Four, and one sergeant.

21,821. And at this time it had 70 men?—It had 70 men afterwards. I think it is not very much short of it now; that is if you take the district into account. There are two barracks in the town, and three or four police scattered over the district.

21,822. This large increase in the police force had something to do with the boycotting and annoyance you were subject to?—I do not think that directly it could have. Indirectly it may have had something to do with it.

21,823. You believe it had something to do with it?—Indirectly. If you will allow me to explain I will tell you how.

21,824. Never mind the explanation unless you think it is very vital to your evidence?—I do not call it my evidence at all. I do not care about my evidence.

21,825. The point I am coming to is this: Was the town and district charged with the support of this extra police?—No.

21,826. It was not an extra charge upon the district?—No.

21,827. Are you certain upon that point?—I am. I may mention to you, of course there were under the Peace Act of 1882 some people who received injuries for which they got compensation, and that had to be levied by the police as a tax.

21,828. Now with reference to the 16,000*l.* you say you have lost. Did that represent money lent to small shopkeepers or to customers?—No, it would mean general trade.

21,829. Would it include bad debts?—Of course there should be an allowance made for some bad debts out of it.

21,830. Do not you know that shopkeepers, large merchants like yourself, in Ireland, lose a great deal in bad debts?—I am sorry to say since the inception of the Land League I have lost largely in bad debts, because I could not collect them.

21,831. Were there any bad debts incurred in Ireland before this wicked Land League came along?—Not a tithe of what has been made since.

21,832. Then the country was an agricultural arcadia before 1880?—I cannot say that for you, but I consider in my district there was peace and plenty previous to the inception of the Land League.

21,833. No poverty?—I say everyone fairly able to meet their demands.

21,834. All too eager to pay their rents?—They were very willing to pay their rents.

21,835. No disturbance at all in connexion with land previous to 1880?—No, there was not.

21,836. How old are you, if it is not an impertinent question?—No, not at all. I should say I am 56 next March.

21,837. Then you remember the years following the famine, I suppose?—I have no recollection.

21,838. You would be about 8 or 10. Your father would remember it?—Oh, he would.

21,839. Did you never hear from him about troubles and outrages, and murders in consequence of large clearances and evictions?—I am sorry to say my father died when I was only eight years of age.

21,840. I am very sorry to hear it. Then you can give me no information about it?—No, only what I have heard, of course.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

Cross-examined by Mr. BIGGAR.

21,841. Did you give evidence before the Besborough Commission?—I did.

21,842. What was the nature of the evidence, may I ask you?—As regards the desirability, I should say, of passing a Land Bill and all that kind of thing. I think it was more or less about that.

21,843. Did you give evidence in favour of that; did you give evidence in favour of a New Land Act?—What was the date of the Besborough Commission.

21,844. 1880?—I was always in favour of a Land Bill. I never lost an opportunity of being in favour of a settlement of the land question. I was always a very strong advocate for it.

21,845. If everything was so satisfactory and pleasant before 1880, why was a reform of the land laws required?—Well, of course, people are always very anxious to be made secure in their farms, to have a lease, and the Land Act of 1880 did that.

21,846. Then you think it was a beneficial Act?—I do; certainly.

21,847. Did you ever know any transactions with regard to the heirs, the widow, and children, of a man named Michael Twomey?—No; I do not know anything about the wife and children of a man named Michael Twomey.

21,848. Do you at present occupy any land formerly occupied by Michael Twomey?—I do.

21,849. In what way did you get that land?—I got that land under a proposal to the Court of Chancery, the principal Land Leaguers of the district bidding at the same time for the land.

21,850. That is not the question?—I am answering the question as well as I can.

21,851. Did the widow of Michael Twomey, who was left with two children, consult you with regard to this farm before you took it?—No; she was dead at the time.

21,852. Had you never any conversation with her on the subject before she died?—None, whatever.

21,853. What became of the children?—There are only two children. They are still in the district. One of them is with an uncle, and one, I believe, with an aunt.

21,854. You hold the land?—Yes.

21,855. You did not give these orphans any compensation for their interest in the holding?—I had not the slightest notion.

21,856. Exactly. What was the date of the case of the Twomey's. When did you get possession of that land?—1876, I think.

21,857. You have told us you are a peculiarly popular man in the neighbourhood?—Yes.

21,858. Do you think your action with regard to that holding was calculated to make you very popular in a community where your transactions were likely to be very well known?—Yes, I was one of several prominent Nationalists in the place who put in a proposal to the Court of Chancery for it. Mine was accepted and theirs rejected.

21,859. You were a prominent Nationalist, were you?—No; I was never a prominent Nationalist. Those who bid for the land against me considered themselves leaders of the Nationalism of that part of the country.

21,860. Is it not possible if these Nationalists, had got the land they might have given some compensation?—Not the slightest, from what I know of them, not a penny.

21,861. I would also ask you a question with regard to your profits. You estimate them at 2,000*l.* a year up to 1879. Can you tell me at what rate you paid income tax to the Government?—I cannot tell you that. There are a great many deductions from income tax that I cannot call to mind now. I have no papers before me. All I can tell you is I was paying income tax.

21,862. Do you mean to swear you paid income tax on 1,000*l.* a year or upwards?—I am not quite sure the amount I paid income tax on. If you had given me notice in time, I would have brought you the papers. I know what is more, that I have been paying income tax a long time after very unfairly.

21,863. That is not the question. Do you mean to swear you paid income tax on 1,000*l.* a year or upwards up to 1879?—No, I did not up to 1879; I do not think I did.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,864. Did you make a return to the Government of your income?—There was a return made some years, as far as I recollect. I do not think there was a yearly return made.

21,865. Was there not a return made from time to time?—There must have been some time previous to that.

21,866. Upon your own swearing you made a return perfectly different from what you here swear your income at?—I do not swear what return I made.

21,867. Do you swear it was less than 1,000*l.* a year?—That is what I thought I said previous to 1879.

21,868. As far as your memory serves you, it was less than 1,000*l.* a year which you returned as your income to the Government?—Previous to 1879, and I put in evidence when it was collected that I had made those years very extensive alterations in my business.

21,869. Do you swear your return reached 500*l.* a year?—I will not swear anything as to what the return reached.

21,870. Will you swear it exceeds 500*l.*?—No; I will not swear anything with regard to the return. I have no recollection of what happened 10 years ago.

21,871. You have sworn with regard to dates and figures vey carefully here with regard to other transactions; and with regard to such things as your income tax you profess not to know whether it was above or below 500*l.*?—I swore to passing facts from day to day that happened to me as regards those outrages. I did not go into those other figures except a figure of 340*l.* with regard to a farm.

21,872. We will allow the judges to draw their inference as to the value to be put upon your evidence when we have heard your evidence with regard to your income tax?—I am perfectly satisfied.

21,873. You were formerly in the employment of a man named John McCarthy, were you not?—Yes, that is 31 or 32 years ago.

21,874. You were in his employment, and after you left his employment did anything take place between you and him at all?—No.

21,875. Did you ever serve him with a writ?—I never served him with a writ.

21,876. Do you swear that?—I do, positively.

21,877. Did you ever receive any secret service money from the Government?—I have no hesitation in the world in answering the question, though I know it is put with a view of insulting me. I never received a penny of money from the Government, though some of your party charged me with it, nor from anybody else. I am under no obligation whatever as regards money to anyone alive either in the United Kingdom, or in the Government, or anywhere else. I fought my own battle independently, and I would scorn accepting it.

21,878. Are you in the employ, and if so, in what capacity of Hussey and Townsend?—I am one of their sub-agents for some property they are connected with.

21,879. Do you superintend evictions on their behalf?—No, I do not go to evictions.

21,880. You have never been present at evictions?—No.

21,881. Have you directed a party?—I do not superintend any evictions for them.

21,882. Did you give instructions to a party who carried evictions out?—No; of course if I am asked for information as to districts it is my duty to give it and such matters as that; but I do not superintend evictions, and I do not attend to them personally.

21,883. Have you ever been personally present at an eviction?—I was.

21,884. Many?—Not many.

21,885. About how many?—They were detailed very well by Mr. Reid, the number very accurately.

21,886. (*Mr. R. T. Reid.*) Three or four I think he said?—I was at some evictions.

21,887. (*Mr. Biggar.*) I think you told us you were in the spirit trade?—I was.

21,888. And are?—I am not.

21,889. Do you mean to say whisky is not sold in your house, the house where you live?—Not in my house.

21,890. Not in the house where you live?—No.

21,891. Whose name is the license in?—The license is in my son's name, who is 23 years of age.

21,892. Where is he?—He went for a tour for pleasure to Australia and New Zealand.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21893. And who pays for the whisky that comes into the place, and who gets the profits on what is sold?—I do not.

21894. Who does?—It goes to his account. I have not been connected with the business for the last—little more than three years.

21895. Are you out of business altogether?—I am out of business altogether.

21896. Do you ordinarily reside in this house where the whiskey is sold?—No, the house is a separate house where I reside. I have four or five other houses to live in besides it.

21897. Is it customary in County Cork to make the sub-agents of landlords magistrates?—I am not aware that it is.

21898. I suppose you are the only case?—No.

21899. Do you know another case besides your own?—I have not been appointed to the commission of the peace, because I am a sub-agent. I have property, and was popular myself.

21900. Was it because you were popular in the district?—I think my position entitles me to be on the commission of the peace.

21901. Is that because you are a pet of the landlords?—Not at all. I have property of my own. I have fee-simple property of my own.

Re-examined by Sir H. JAMES.

21902. I understand from you you own some property yourself. Do you own as much as 400 acres yourself?—My farms?

21903. Yes?—Yes, I do, over 1,200 acres.

21904. Are you also agent for properties?—I am.

21905. As well as being sub-agent?—Yes, and I have also property let to tenants.

21906. I understand from you that you became agent for Mr. Singleton (I think the name was) in May 1880?—April 1880.

21907. I think the branch of the Land League was established in August 1880—Yes.

21908. When did you first become subject to any inconvenience on account of the treatment of you by these people who you say were Land Leaguers? Was it December 1880?—Towards the end of December 1880.

21909. Did you until December 1880 ever hear any complaint of any action of yours as agent for Mr. Singleton?—There was never a word of complaint. I did not hear a word of complaint as regards my action.

21910. Have you ever heard any complaint of your action in respect of your management of Mr. Singleton's property?—No.

21911. And, with the exception of the fact of your not having joined the Land League, do you know any reason why you should be so treated as you have been?—I could not give any other reason, because my dealings with tenants or anything else would not justify the exceptional treatment I received.

21912. You have been asked one question, I think it was by Mr. Biggar, as to your taking some land in 1877?—1876 I think it was. That is what I wanted to explain.

21913. Now you shall do it then, please. What is it you wish to say yourself upon that?—In 1876 a shopkeeper in the town of Millstreet, named Michael Twomey, became a bankrupt. The landlord of the premises made a claim on the official assignee for a considerable amount of rent that was due. The Court of Bankruptcy refused to pay the rent of the holding, which were town fields—which were accommodation fields attached to the town, and instead of paying the rent the Court of Bankruptcy surrendered the premises to the landlord. They were put up by the Court of Chancery, the property being in chancery, the landlord being a minor, and several put in proposals for it. I did amongst the others, in fact, with the concurrence of the immediate friends of Twomey. I was declared the tenant. They were only accommodation fields attached to the town.

21914. There was also a question put as to a time prior to 1880 about two children?—Those are the two children.

21915. That is not the case, but another case. This is a question as to 1877—two orphan children.

21916. Was there any reason why you should give these two children compensation?—None whatever.

30 Nov. 1888.]

JEREMIAH HEGARTY.

[Continued.]

21,917. Did you ever, before 1880 hear any complaint whatever either of your conduct in respect to these children's holding or the other holding you bid for and took under the circumstances you mentioned?—Not a word. Not up to the present day by any immediate friends of theirs.

21,918. I think you heard it in court?—They never complained of my conduct.

21,919. Did you ever hear any complaint of your conduct till it was mentioned in Court?—I remember there was a charge made by the secretary of the League; one of the vague charges they made at their meetings.

21,920. When was that?—It was in 1887, I think.

21,921. Until that time had you ever heard any complaint?—No, nor since, by any immediate member of the family.

21,922. I am sorry to ask you this question. I believe, speaking of your popularity, in 1878 you lost a daughter?—I lost a daughter in 1879; I think the 4th October.

21,923. Was that funeral attended by some 2,000 persons?—It was the largest funeral ever in the neighbourhood, or, I believe, that ever will be there again.

21,924. I believe in your district in Ireland that is some proof of the estimation in which the person was held?—Yes; I believe it was a mile and a quarter long.

21,925. You have been asked a question or two by Mr. Davitt. I think Mr. Davitt admitted he did not reply to you. He did not contradict it when you said so, but some letter was written to the local branch of the Land League. Did the local branch of the Land League ever communicate to you that Mr. Davitt had remonstrated with them?—Never a word, with the exception of the persecution I received.

21,926. If Mr. Davitt did remonstrate with the local branch of the Land League, did that remonstrance have any effect upon the branch?—It had no beneficial effect upon me, but the reading of the letter had an injurious effect on the persecution I was receiving.

21,927. We have the date of the letter, 26th December 1880. After the 26th of December 1880, and the publication upon the 28th, did your treatment lessen in severity or not?—It increased in severity.

21,928. You have been asked a great many questions, I am sorry to go over them. First, as to this son of yours: you say he is absent now on a tour of pleasure?—Yes, I believe he is coming back.

21,929. Is this business which has been asked about your son's business or yours?—It is my son's business.

21,930. As to your income tax, I suppose you followed your right in making all deductions in the payment of your income tax?—Certainly; I always made deductions for insurance on my life and all that kind of thing.

21,931. And your average would be an average of three years' income?—I think that is the way it is made up, as far as I recollect.

21,932. According to your evidence in 1879, your business reached the sum you mentioned. Had there been an increase in business up to that time?—There had been a very large increase up to that time and to the year ending December 1880, because I make up my accounts to the end of December in every year, at least, I did at that time.

21,933. Had it reached the maximum amount in the last year you have spoken to?—It reached the maximum amount of the previous 25 years.

21,934. Has it fallen off to the extent you have mentioned, and can you ascribe any other cause for the falling off except the boycotting?—Not the slightest, and it fell off to an extent I was losing sorely by business, but it was kept on for the sole purpose of trying to fight out our battle.

21,935. You have spoken of the difficulty of collecting debts. You said you were prevented collecting debts. In what way were you prevented collecting the debts?—Simply because there is no use in getting decrees, or anything of the kind.

21,936. Why?—Because they will not be executed by the ordinary persons who have the execution of them under the sheriff.

21,937. Does that apply to all decrees. Do you mean all decrees or decrees obtained by persons who were boycotted?—It applies generally to all descriptions of decrees at present.

21,938. How long has that difficulty existed?—It has been more or less going on since the year 1880, but it has very considerably increased, and did very considerably increase, for the last four years.

30 Nov. 1888.

JEREMIAH HEGARTY.

[Continued.]

21,939. Have you ever known that difficulty exist before 1880?—No, there was no difficulty about it. Everyone endeavoured to pay his debt honestly as best he could.

(*Mr. R. T. Reid.*) My Lord, I just want to say one word. Your Lordship directed that a letter of Mr. O'Kelly's might be seen, and you said so to Mr. Asquith. Mr. Asquith appears for Mr. Parnell. Myself and my learned friends who are with me appear for Mr. O'Kelly, and I presume are equally interested in seeing the letter.

(*The President.*) I assumed it was made on behalf of you all.

(*Mr. R. T. Reid.*) So we assumed, but when the letter was in the hands of Mr. Asquith it was objected to on behalf of the "Times" and taken back, and we were not permitted even to see Mr. O'Kelly's letter.

(*Sir H. James.*) I assure your Lordship there was a misunderstanding.

(*Mr. R. T. Reid.*) No, there was no misunderstanding.

(*The President.*) I think you will admit there was no fault on the part of Mr. Cunynghame. Mr. Cunynghame did not know what was being done.

(*Mr. Cunynghame.*) It is I. I felt responsible for it.

(*Mr. R. T. Reid.*) I was not complaining of Mr. Cunynghame, but my learned friend.

(*Mr. Cunynghame.*) It was fault, Mr. Reid, if anybody's.

(*Sir H. James.*) There is no objection to Mr. Reid seeing it. I think there has never been any objection to him or Mr. Harrington.

(*Mr. Cunynghame.*) It is handed now into your custody (*passing the document to Mr. Reid.*)

(*Mr. R. T. Reid.*) Your Lordship will not think I meant for one moment to complain of Mr. Cunynghame.

(*The President.*) No.

[The Court adjourned till Tuesday next, the 4th of December, at 10.30.]

"Uncorrected Proof."

M. D. Smith

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,

PROBATE COURT, No. 1,

Tuesday, 4th December 1888,

(*Sir C. Russell.*) My Lords, in reference to the matter to which I brought before your Lordships on Friday with relation to the placards announcing certain meetings, in pursuance of the order of the Court, I understand the chairman of the meeting and the printer and publisher and one other gentleman,—I forget what his position is,—Mr. Kershaw, are attending here represented by my friend, Mr. Horace Brown, who will make a statement to your Lordships.

(*Mr. Horace Brown.*) My Lords, I appear here for Colonel Mellor, the gentleman whose name has been mentioned as being the chairman of the other meeting, a meeting that was proposed to be held at Farnworth, and my friend, Mr. Macpherson, appears for the printer of the placards.

As far as Colonel Mellor is concerned, he desires me to say that he is anxious to take upon his own shoulders all and every blame that can attach to the issuing of these placards. He is a gentleman who is actively engaged, I believe, as chairman in a political association in the neighbourhood, and he does admit unreservedly that he gave instructions for these placards to be published and for the meetings to be held. My Lords, he says, and he has placed this upon affidavit, that at the time that he issued, or gave instructions rather, for issuing these placards, he had not the slightest idea that they could be construed into a reflection upon or comment upon the proceedings of your Lordships' Commission, and he also wishes to add that, before he knew he was to be cited on Friday last, when I believe my friend, Sir Charles Russell, made an application to the Court, he saw about two hours afterwards, in Manchester, I believe, in some telegraphic summary of evening news, that the application had been made to the Court, and he at once took steps to take upon himself, or rather sought to take upon himself, all the blame or whatever blame might attach. What he did was this. He knew of it, I believe, between 1 and 2; he took the next train from Manchester to Radcliffe; he went straight away to the printers, and he gave directions for an equal number of placards. I believe there were 150 altogether published of the original placards for the three meetings. He gave directions for placards, similar to these which I have here, to be published, which in effect says—perhaps I may read it altogether.

[*The following document was put in and read, and is as follows:—*]

"In consequence of the President of the Parnell Commission having
"announced that the meetings proposed to be held at Radcliffe, Farnworth, and
"Little Hulton, on the 3rd, 4th, and 5th December 1888, at which Mr. Richard
"Mitchell and Miss Norah Fitzmaurice were advertised to appear and make
"certain statements, would be a contempt of Court pending the sitting of the
"Court, the circumstances of which the promoters were not aware when the
"meetings were arranged, the said meetings will not take place. Radcliffe,
"November 30th. Printed and published by Thomas Gornall, Blackburn
"Street, Radcliffe."

My Lords, that was ordered to be published at once. The proof was sent to Colonel Mellor that evening; with all possible despatch these were circulated, and in every

4 Dec. 1888.]

MR. HORACE BROWN.

[Continued.]

case or in every possible case placed over the placards that had been already published or in close continuity to them, and, in fact, he took steps to stop the holding of the meetings.

The first meeting was to take place last night, and, as your Lordships will assume, it did not take place, and neither will any of the others. Colonel Mellor wishes me to say that he deeply regrets that these matters should have happened; he is an acting magistrate of the county, I think, of over 21 years standing, and has always been desirous to uphold the dignity of all legal tribunals and generally preserve law and order; he had no notion that what he was doing, and which he now admits to have done inadvertently, should have been construed into contempt of your Lordships' Court, or he never would have allowed it to have been done.

With those observations I hope I have said sufficient to absolve Colonel Mellor from what has taken place. With regard to the other gentleman, I venture to think that his case is a little different. He states upon affidavit that he was asked, I believe, through the same association, to take the chair at what was to be an ordinary meeting. He did not know what was proposed to be done. He did not know what the contents of the placards were until, I think, he saw them some four or five days afterwards on the wall, and then even it did not occur to him that the meetings would reflect upon the proceedings of this tribunal. I have expressed, I know weakly, the deep sense of regret these gentlemen feel, and I hope that your Lordships will think what I have said will be sufficient.

(*Mr. Macpherson.*) I appear for Mr. Gornall, the printer, and I have only to endorse what my learned friend has said, so far as it applies to Mr. Gornall, and to express upon his behalf his very sincere regret with regard to his part in the matter.

(*Sir C. Russell.*) After the statement which has been made I do not propose to press it on your Lordships' attention further, the regret having been expressed by my learned friends. I only wish to make this observation, that there was a meeting announced by a similar placard, which was extensively published, at which Sir Frederick Milner was announced to have presided; that was at Little Houlton, also in Lancashire, but I have no doubt after your Lordships' intimation in the matter, that that will not take place.

(*Mr. Horace Brown.*) May I say, although I purposely avoided making mention of this third meeting that Sir Charles Russell has referred to, I have instructions on behalf of Sir Frederick Milner, in case the matter should be mentioned, to express to your Lordships the same observations I have made on the part of these other two gentlemen, that he had no knowledge whatever that this matter would be treated in the way that this has been done, and he also wishes to apologize to the Court for the fact that his name appeared upon the paper.

(*The President.*) The Legislature has imposed upon us the duty of inquiring into charges brought against certain persons, and while the inquiry is pending before us, it is incumbent upon all persons to abstain from calling meetings to argue in favour of the one side or the other. We must be left undisturbed to the discharge of our duty; but I am happy to say upon this occasion we are not pressed. We do not ourselves think that we are called upon to exercise any severity towards these persons, because it is sworn that they were not aware they were guilty of any impropriety, and they have made the best atonement in their power. Therefore the matter may pass without further observation, except I hope it will be taken as a warning for all persons to abstain from similar acts.

(*Mr. Reid.*) May I ask your Lordship, in regard to an order on the question of inspection; it is a short matter, but rather an important one. Your Lordships made an order on the 16th October for the inspection of certain bankers' books of the Charing Cross Branch of the National Bank; transactions between the bank and Mr. Biggar, Mr. McCarthy, and Mr. Moloney, commencing from 1879 and going down to the year 1886, and also more transactions commencing in or about the year 1880 down to the year 1887. That was the order. Now, my Lords, there was an account in the bank in the names of two of these gentlemen, and, I think, in the name of three of them, which only began in 1886, and that is a Parliamentary account which I tell your Lordships plainly relates to the expenditure of contested elections, and also in regard to certain Members of Parliament who receive allowances from this fund. As I understand, "The Times" desires to inspect this account. It seems to me that it has no bearing, and it is not impliedly included in the accounts which are the subject of

4 Dec. 1888.]

CORNELIUS KELLEHER.

[Continued.]

the order of the 16th October, because it does not include the time from 1879 to 1880, and only commenced in 1886. Those I represent are extremely averse to this being gone into, and they are prepared to swear an affidavit that it has no relation whatever to the matter before the Commission, and they object to the accounts of the allowances made to different members being disclosed. They say it has no bearing at all upon any of the questions, and that the account only began in the year 1886, and I would ask your Lordship for a direction that this Parliamentary account, subject to the affidavit I have mentioned being made, should not be included in the inspection; I mean, it may be a very offensive and disagreeable thing.

(*Sir Henry James.*) If it were as my friend said, that the accounts referred to related only to payment to particular Members of Parliament in regard to election matters, I do not think my clients would be disposed to press it; but my clients say that is not so, and that my learned friend's statement has not been properly put before him as to that, and I think, therefore, that, inasmuch as we traverse the allegation, I think it would be more consistent, and bring the matter more speedily to an end, if my learned friend were to make an affidavit of the facts, and that we should be allowed to put counter affidavits before your Lordship if necessary. We will now proceed with Mr. Hegarty's case, and the letters in relation to it. Mr. Atkinson had charge of it, but he is unfortunately absent this morning.

CORNELIUS KELLEHER SWORN; examined by Sir HENRY JAMES.

21,940. Do you live at a place called Tullig?—Yes.

21,941. How far is that from Millstreet?—About 3 miles.

21,942. Did you at any time work for Mr. Hegarty?—I did.

21,943. Before May 1881, how long had you worked for Mr. Hegarty?—I think I worked about three or four years before.

21,944. And were you working for him in May 1881?—I was.

21,945. Were you living at Tullig in your own house?—I was.

21,946. Do you recollect about 1 o'clock in the night in May 1881 some people coming to your house?—I do.

21,947. About how many people came?—I could not say; there was a rare lot.

21,948. There was a great number?—Yes.

21,949. Did they say anything to you about opening the door—what they would do if you did not?—They said, "Open the door."

21,950. Did they say anything else?—That if I did not open it they would burn the house.

21,951. At that time had you your mother and your father living with you?—Yes, I had.

21,952. I believe your father is an old man, upwards of 70 years of age?—He is.

21,953. And you had a brother, Daniel Kelleher, living with you also?—I had.

21,954. The door was opened, I believe, by your mother?—It was.

21,955. Tell me, when the door was opened, did the men come into the house?—They did.

21,956. Just look at their Lordships, and tell us what happened when they came into the house?—They pulled my father out of bed and knocked him down and kicked him.

21,957. Do you say they pulled your father out of bed?—Yes.

21,958. And when they pulled him out of bed, what did they do?—He got a kick *here*, in the forehead.

21,959. Was he hurt much or little?—He was cut; there was a little cut in the forehead.

21,960. Having pulled your father out of bed and treating him in that way, did they then come to you and your brother Daniel?—They did.

21,961. What did they say to you?—They put me on my knees to swear that I would not work for Mr. Hegarty any more.

21,962. Anything else; to swear to anything else but that, or was that all?—I do not think there was anything else.

4 Dec. 1888.]

CORNELIUS KELLEHER.

[Continued.]

21,963. Was anything said about the Land League or not?—I am not sure of that. I think they said something about it; I am not sure of it. I do not know how it went on.

21,964. I do not press you, but just think. You say you think something was said; only tell me what you believe. What do you think was said, if anything, about the Land League?—I think just what they said was that I should be loyal to the Land League.

21,965. Was that in connexion with your swearing,—with the oath not to work for Mr. Hegarty?—Yes.

21,966. Did you take that oath or not?—I took it; I swore to it, of course. I was in dread.

21,967. Did they beat you at all; were you struck?—They beat me with white thorn.

21,968. Are those sticks. What is “white thorn”?—White thorn briar.

21,969. Did they make your brother take the oath too?—They did.

21,970. Had Daniel been working for Mr. Hegarty?—Yes.

21,971. You spoke of this beating; where did they beat you, was it in the house or outside?—Outside in the yard.

21,972. How did you get in the yard?—Out through the door.

21,973. But did they tell you to go or did you walk, or how did you get there?—I had to walk out before them.

21,974. Did they tell you to?—They did.

21,975. Told you to walk before them into the yard, and beat you there?—Yes.

21,976. Was your brother beaten too there?—He was.

21,977. I suppose, as it was 1 o'clock in the morning, you had only your night-things on?—No, sir, only my nightdress.

21,978. Were there any shots fired?—There were shots fired outside in the yard, outside the door.

21,979. Was that before or after they came into the house?—Before and after.

21,980. After this affair did you for a time leave Mr. Hegarty?—I did, for a month.

21,981. Why did you?—I was in dread.

21,982. After a month did you go back and work?—I did.

21,983. Did you get the police to look after you?—No, they came at night to patrol, to the house.

21,984. The police used to come at night to patrol?—Yes.

21,985. I suppose you used to attend mass?—Oh, yes, sir, regularly.

21,986. How were you and your brother treated going to mass or coming back?—There used to be whistling after us sometimes as we would go along.

21,987. Anything else besides whistling?—Hooting and whistling.

21,988. When you say “they used to,” who were “they”?—I could not say. I was not looking at them. I would only walk away.

21,989. Were they people who had been to chapel or not?—Oh, likely they were, of course.

21,990. Did you prosecute any of these people—or any people at all?—I did not.

21,991. Or your brother?—My brother had some row in the road, and they had some prosecution over it going home from a fair.

21,992. What was that for?—I could not say. I was not there.

21,993. When these people came to you at night, as you told us, in May 1881, were they disguised or not?—They were.

21,994. Did you know them?—No.

21,995. How were they disguised?—They had black faces and like whiskers.

21,996. Did you attend court at any time when the men were prosecuted by your brother?—No, I did not.

Cross-examined by Sir C. RUSSELL.

21,997. What is your father's name?—Cornelius Kelleher.

(Sir C. Russell.) I do not ask you anything more.

(Mr. Reid.) Nor do I.

4 Dec. 1888.]

JEREMIAH O'CONNOR.

[Continued.]

JEREMIAH O'CONNOR sworn; examined by Sir HENRY JAMES.

21,998. I believe you are a farmer living at Millstreet?—Yes.

21,999. Were you the relieving officer of Millstreet?—Yes, sir, still.

22,000. And are you so now?—Yes.

22,001. Of course you were well acquainted with Mr. Hegarty?—I was.

22,002. On the 23rd of December 1880 did you stop at Mr. Hegarty's door?—I did, with my horse and cart.

22,003. You left the horse and cart outside, I believe, and you went inside?—The horse and cart was standing outside the door waiting for goods—to be supplied with goods.

22,004. I believe you had gone there to get some provisions?—Yes.

22,005. Did a crowd gather?—A crowd marched through the street up and down, the full breadth of the street of people.

22,006. Was your horse struck?—My horse was struck.

22,007. I believe you stopped it from running away?—I caught the horse, and I did not allow it to run away; there was a man said that I should not be there, that I would not be long there, and I said I would.

22,008. I believe you were not able to go home your ordinary way, you had to go home by a bye-way?—Yes, about 4 miles.

22,009. Why was that?—Because the mob was so excited, and I thought it was so dangerous to take the goods, and I went my own way home. I thought it would be dangerous to me, and I took a different way home, and I did not take the goods at all that night.

22,010. I believe you never joined the Land League?—Never.

22,011. And I believe you stated openly you would not be a member of the Land League?—I did openly that I would not.

22,012. Did you continue after that to deal with Mr. Hegarty?—I did.

22,013. Up to March 1881?—Up to March 1881.

(Sir O. Russell.) I do not know whether these dates are important or not. If they are, you had better not put them to him.

22,014. (Sir H. James.) I do not think they are very important. On the 16th of March 1881 was an attack made on your house?—There was a raid made on my house on the night of the 16th of March.

22,015. What was it that happened?—The first I heard was the carts tumbled upside down in the yard, and the second I heard was firing in through the windows and doors of the house,—very dangerous.

22,016. What time of the night was it?—Some time about the afternoon of the night.

22,017. Was it light or dark?—It was approaching daylight.

22,018. Was it light or not, or was it early in the morning?—Yes.

22,019. How many shots were fired?—Fired through the windows of the house and the doors.

22,020. About how many?—I could not exactly say; there were a great many marks; there were childrens clothes hanging up on the rack at the door, and they would have been riddled.

22,021. There was an election, I believe, coming off of the guardians?—There was an election of guardians.

22,022. Was Mr. Hegarty a candidate?—He was a candidate at the time for guardianship.

22,023. Had you expressed any intention to vote for him or not?—I did express my intention to vote for him, and I did vote for him.

22,024. Were two men prosecuted in March 1881—Murphy and Kelleher?—Yes.

22,025. What were they prosecuted for?—They were prosecuted because they were stopping a sentry the other side of the street opposite Mr. Hegarty's premises taking notes. I do not know whether they were or not, but they seemed to be of anyone who would be entering the premises.

22,026. You spoke of a man being there when your horse were struck—was that Murphy?—Yes, it was he that struck the horse.

22,027. That was December 23rd?—Yes.

4 Dec. 1888.]

JEREMIAH O'CONNOR.

[Continued.]

- 22,028. Did you give evidence against them?—I did.
- 22,029. Had you a blacksmith in your employ at that time?—Yes, a tenant of mine.
- 22,030. When you say in your employment, was he employed by you as a regular servant?—He was a smith working for the people generally all round—he had his land and house; he was a tenant of mine.
- 22,031. What was his name?—Scanlan.
- 22,032. Did he or not refuse to work after that?—He did refuse to work after the spring assizes that Murphy and Kelleher were prosecuted—that was in the spring of 1881; after that the smith refused to shoe my horses.
- 22,033. Did he give any reason?—He said he would lose all his customers; he said he could not work for me.
- 22,034. Did he at any time afterwards consent to work for you?—He did.
- 22,035. When was that?—He worked for me afterwards again after the Land League was not in working order—after the suppression of the Land League; soon again he worked for me and he worked for me then for a time.
- 22,036. How long did he continue to work for you?—He continued to work for me then till about November 1884.
- 22,037. Did he again refuse?—He did refuse again.
- 22,038. Did anything happen shortly before November 1884, in relation to the district?—There was a farm in the place which I did not believe was an evicted farm. I took the farm and after taking the farm he refused to work for me again.
- 22,039. You spoke of the Land League being suppressed?—Yes.
- 22,040. The National League—was that ever started in Millstreet?—The National League was started in Millstreet.
- 22,041. When was that?—I would say in 1882. I cannot exactly give you the dates. I will not tie myself to dates, because I did not keep any regular account of dates.
- 22,042. You have known Mr. Hegarty for some time?—For a long time.
- 22,043. Till the end of 1880, when the Land League was established, was he regarded as a popular man in the district, or not?—Very popular.
- 22,044. Do you know of any reason why you should have been treated in the way you were, except the fact of your having dealt with Mr. Hegarty?—I do not know that I gave any reason more than that. I did not stop my dealings with Mr. Hegarty.

Cross-examined by Sir C. RUSSELL.

- 22,045. Do you live in Millstreet, or the neighbourhood?—In the neighbourhood—Duneen.
- 22,046. How far is that from Millstreet?—About a mile and a half or a mile and a quarter; it is there my family and house is.
- 22,047. Were you popular yourself in your own neighbourhood?—I was.
- 22,048. Had you taken a farm from which Cornelius Denehay had been evicted?—Yes, in May 1880; the landlord bought him out, and the landlord occupied the farm then for two years and I was led to believe there was others tendering for the farm too, and I tendered for the farm and I took it.
- 22,049. Cornelius Denehey was the previous tenant?—Yes.
- 22,050. You say the landlord bought him out?—Yes.
- 22,051. Do you know that of your own knowledge?—Yes, I do. I was to the fore when he paid the money.
- 22,052. What money did he pay?—I could not exactly say, but I was to the fore when he paid the money.
- 22,053. Where?—To the very place he lived.
- 22,054. At his farmhouse?—Yes.
- 22,055. Who paid him, did you?—Mr. Hegarty.
- 22,056. Was Mr. Hegarty the landlord?—He was not.
- 22,057. What had Hegarty to do with it?—It appears that a Mr. Orpen was the landlord at that time; he is dead since; and it appears that he sent the money and he had an understanding with Denehey and he sent the money to Hegarty to have it paid to Denehey by him.

4 Dec. 1888.]

JEREMIAH O'CONNOR.

[Continued.]

22,058. How did Hegarty come into it, was he helping Orpen?—I do not think he was, but Mr. Orpen did not know any other person, he was a stranger in the place and he sent the money to Hegarty.

22,059. Did Hegarty ask you to go to Denehay's to see it?—No, I was going to go there myself, I happened to be there near the place because I farm there.

22,060. Happened to be there accidental?—No, not accidental, I went there.

22,061. Then you went on purpose?—I can explain it, I went there with Mr. Hegarty.

22,062. He asked you to go?—We drove from Macroom that very day, it was the Road Session.

22,063. Did he ask you to go?—He did ask me to go, when I was driving on the way from my own place.

22,064. Where is Denehay now?—Living in Millstreet.

22,065. What is he doing?—I do not know, he is labouring there and some of his children are in the service.

22,066. What is his farm in Duneen, where he was evicted?—Keillererrine.

22,067. What was the extent of the farm?—I should say about 52 acres.

22,068. Now he is a labourer in Millstreet?—Yes.

22,069. Although Hegarty drove you, or you drove Hegarty, you cannot tell what the tenant paid?—I drove that very evening from Macroom with Hegarty.

22,070. Can you tell us what he paid?—I cannot tell you that.

22,071. About how much?—I could not exactly tell you.

22,072. What?—I do not know what he paid.

22,073. When was Denehay evicted?—He was not evicted at all; he gave peaceable possession himself, and had his furniture removed as well, and all.

22,074. When was that?—May 1880.

22,075. Denehay, you say, is still at Millstreet?—He is.

22,076. Rightly or wrongly—I am not asking you to tell about that—but rightly or wrongly, did that taking Denehay's farm make you unpopular?—I think so, because the only way I should know was the smith declining to work for me again,

22,077. That was in May 1880?—1884 I took the farm—November 1884; in May 1880 Denehay gave the farm up with his own consent.

22,078. When did you go with Hegarty, when this money was paid?—It was a Road Session day in Macroom.

22,079. When?—I cannot say the day.

22,080. What year?—May 1880.

22,081. It was in May 1880 the money was paid?—Yes.

22,082. And in May 1880 Denehay gave up the farm?—Yes.

22,083. (*The President.*) I thought you said it remained vacant for two years?—Yes, the landlord occupied the farm from May 1880 until November 1884, and put stock on the farm himself.

22,084. (*Sir C. Russell.*) Do you mean it was vacant four years?—Yes, that is the time—May 1880; Denehay gave up the farm, and the landlord bought him out.

Cross-examined by Mr. BIGGAR.

22,085. You are a relieving officer?—Yes.

22,086. And one-half the guardians are ex-officio, I suppose?—They are, as a rule; they are to be appointed ex-officio, but half the guardians as ex-officios do not attend.

22,087. But they attend on special occasions?—I did not see them to attend on special occasions.

22,088. Have you ever seen them attend; in point of fact, did they not usually attend when any appointments were to be made, and things of that sort?—No, I do not know that; with the exception of one, I saw few gentlemen to attend.

22,089. Suppose a charge was brought against you by the elected guardians for neglect of conduct, do not you think it is very possible that the ex-officio guardians would come to defend you?—They did want to establish a charge against me, or they tried to do so, and was not able to, and there was no ex-officio guardian come to defend me.

22,090. What was the charge?—The charge was—they wanted to bring up several charges—that I was paying out-door relief in Mr. Hegarty's house, which I was not.

4 Dec. 1888.]

JEREMIAH O'CONNOR.

[Continued.]

22,091. What else?—I could not tell you; there were so many of them. There was a sworn inquiry, and they were not able to establish the charge.

22,092. They did not succeed in getting you dismissed?—No.

22,093. There were other charges; what were they?—I could not exactly say what they were. There were several charges.

22,094. Do you swear you do not remember what any of them were?—I should. I tell you what I understand from the discussion of them; as a rule there is a notice given to us, and the notice says: "Take notice, that 48 hours after delivering to you "I will take possession of the farm;" and if I did go to that farm, and there was visible means to me in that farm, and I made that entry in my book and it was legally and properly made, the guardians might find it, and if they did not believe him to be an evicted tenant, they would not give him 1l. a week. That was it.

22,095. You made yourself champion of the landlord?—No.

22,096. In opposition to the wishes of the tenant farmers?—I made an entry myself, according to the directions what I should do to make a proper statement to the Board.

Re-examined by Sir HENRY JAMES.

22,097. You are still relieving officer?—Yes, I am.

22,098. When these charges were made, as I understand you, the ex-officio guardians did not attend?—They did not attend.

22,099. Therefore, I presume the elected guardians inquired into the matter?—They did, and there was a sworn inquiry into the matter.

22,100. And you are still a relieving officer?—Yes, I am still.

22,101. As to Denehey's farm, had you anything to do with taking Denehey's farm until 1884?—Not a bit, sir.

22,102. Had you ever yourself any complaint in reference to taking Denehey's farm until 1884?—No.

22,103. This firing into your house was March 1881?—Was March 1881. I firmly thought that was on account of the re-election of Mr. Hegarty. He was seeking the guardianship at the time.

22,104. You have been dealing with him?—I have been dealing with him, and I am dealing with him still.

ELLEN FITZGERALD SWORN; examined by Sir H. JAMES.

22,105. I have no statement of yours; will you tell me, with whom do you live; do you live with your father, or are you married?—I am living with my mother.

22,106. Where does your mother live?—In Mushross, Millstreet.

22,107. How far is that from Millstreet?—About four miles.

22,108. Do you yourself ever deal, or your mother deal, at Mr. Hegarty's shop in Millstreet?—Yes.

22,109. On the 10th January 1881, did a party of men come to your mother's house?—Yes.

22,110. What period of the day or night was it?—I could not say.

22,111. Was it dark or light?—It was dark.

22,112. During the night-time some time?—Yes.

22,113. Was the door broken open?—Yes.

22,114. Do you know about how many men came into the house?—Well, I could not say.

22,115. Were there two or three or were there several?—Yes,

22,116. I believe you did not go downstairs?—No.

22,117. You got out of bed and went back again?—Yes.

22,118. Did these men come into your bedroom?—Yes.

22,119. About how many came into your bedroom?—Well, I could not say.

22,120. Were there two or three or four, or twenty, or about how many?—Well, there might be eight or nine.

22,121. What occurred, was any oath given to you?—Yes.

22,122. Did you take an oath?—Yes.

22,123. What was it?—Not to deal any more with Mr. Hegarty.

22,124. Did you take that oath?—Yes.

4 Dec. 1888.]

ELLEN FITZGERALD.

[Continued.]

22,125. Having taken that oath they went downstairs, I believe?—Yes.

22,126. Do not tell me what anybody else has told you, but did you hear the oath administered to anyone else in the house; did you hear anyone else sworn in the house?—Yes.

22,127. To whom besides yourself was the oath administered?—My mother and two sisters were sworn.

22,128. Notwithstanding that, did you continue to deal with Mr. Hegarty?—Yes.

22,129. Did you receive a second visit from men?—Yes.

22,130. How much time was there between the two visits—the first is June 1881; what time occurred between the two visits?—I could not say; I did not keep any memory.

22,131. Was it days, or weeks, or months, or about how long?—Well, some months I guess.

22,132. Was that in the night time?—Yes.

22,133. Was the door broken in this second time?—Yes.

22,134. Did they come into your bedroom?—Yes.

22,135. Was your sister there with you in the same room?—Yes.

22,136. Was there any attempt made to cut your sister's hair off?—Yes.

22,137. What was it that was done?—Well, they had scissors and they were going to cut it.

22,138. What do you say?—I am sure they were shears.

22,139. Was your mother there too?—Yes.

22,140. And then what happened?—Well, she would not let them.

22,141. Did you see your mother's forehead at that time?—No.

22,142. But after they were gone?—Yes.

22,143. Had she any mark on her forehead?—Yes, she had a cut.

22,144. Was Mr. Hegarty putting up as a Poor Law guardian at this time?—Yes, I guess he was.

22,145. Did your father vote for him or not?—He did.

(*Sir C. Russell.*) How does she know?

(*Sir H. James.*) It is open voting.

22,146. How did your neighbours treat you—did they talk to you or speak to you?—Well, they did not speak to me, they did nothing to me.

22,147. You say they did nothing to you, but they did not speak to you?—Yes.

22,148. Before the end of 1880—before this time, had you been on good terms with your neighbours?—Well, some of them.

22,149. Not all?—No.

22,150. Did you find any of them speak to you after dealing with Mr. Hegarty?—Yes, a good many spoke to me.

(*Sir C. Russell.*) I do not ask you anything.

Cross-examined by Mr. BIGGAR.

22,151. You still deal with Mr. Hegarty, do you?—Yes.

22,152. And he conducts the business the same as he did the last 10 years does he?—Yes.

22,153. Are you aware that Mr. Hegarty swore three days ago that he had given that up—that he had transferred the business to his son?

(*Sir H. James.*) Is that the provision business?

(*Mr. Biggar.*) He said with regard to the general business, and that he lost 2,000*l.* a year by it.

22,154. Is the whiskey business carried on in the same premises as the other part of his business is—the same shop and place?—Yes.

22,155. In point of fact, as far as you know, there is no real difference compared to what it was 10 years ago?—Well, I do not know.

22,156. Do you see any difference when you go to the shop?—Well, I do not see many go in there.

22,157. Do you see any difference in the way the shop was conducted with regard to the different parts of the business?—I do not know anything about his business.

22,158. Do you see any difference?—I do not.

20 Nov. 1888.]

ELLEN FITZGERALD.

[Continued.]

Re-examined by Sir H. JAMES.

22,159. Do you know the whiskey business whether it is Hegarty's or Hegarty's son's?—I guess it is Mr. Hegarty's son.

22,160. That owns the whiskey business?—Yes.

22,261. You are an Irishwoman, still you guess it is Mr. Hegarty's son's?—Yes.

(*The Attorney-General.*) My Lords, I have not finished the Hegarty case, but I have a witness I wish to call to-day, as Sir Charles Russell wishes to leave on public business, Sir Charles Russell having asked me to do so.

(*The President.*) Very well.

THOMAS O'CONNOR sworn; examined by the ATTORNEY-GENERAL.

22,162. How old are you?—30 years.

22,163. Are you the son of John O'Connor, a farmer?—Yes.

22,164. Where do you live?—Near Castleisland-

22,165. Do you remember any meeting at Castleisland in the year 1880?—I do.

22,166. Who were present at that meeting?—Oh, there was a good many, but among others there were Messrs. Biggar and O'Connor.

22,167. What time in 1880 was it?—The 10th of October, I think.

22,168. Who attended there and spoke?—Mr. Biggar and Dr. O'Connor were the two principal speakers.

22,169. At that meeting was anything said about the founding of the Land League?—There was.

22,170. What branch of the Land League, please?—The Castleisland branch.

22,171. Did you join that League?—Yes, not that day, in a week or two after.

22,172. Was it the first or second Sunday afterwards?—I could not say which. It might be the second.

22,173. However, it was within two or three weeks afterwards?—Yes.

22,174. Which branch did you join?—The Castleisland branch of the Land League.

22,175. Where were the meetings held?—In a house in the main street.

22,176. Do you remember whose house it was?—Well, I think it was in the house of John Culloty, a tailor, but I am not sure.

22,177. What was the subscription for the League? First, from farmers; what was the farmer's subscription?—I think about 3*d.* to the pound on the valuation, but I am not sure.

22,178. How much had labourers, or young men who were not farmers, to pay?—A shilling and upwards.

22,179. How much did you pay?—I think 2*s.* or 2*s.* 6*d.*

22,180. Do you remember what the first business was, after the branch got started, about the middle of November?—Oh, well, discussing what reductions would be required for the farmers.

22,181. Deductions from what?—From their rents.

22,182. Did you say deductions or reductions?—Reductions.

22,183. Now, when any reduction was discussed, was anything determined upon with reference to the various tenants?—Yes; they used to agree to go in a body and demand so much, some 15, and some 20 per cent. off their rents.

22,184. After these discussions took place, and the resolutions as to reductions, did it work satisfactorily at first or not?—Not quite satisfactory sometimes.

22,185. Why not?—The tenants used not to keep together. Some used to go on their own hook and do what they liked.

22,186. Was the fact that some tenants used to go on their own hook discussed at the meetings?—Yes.

(*Mr. R. T. Reid.*) Do not lead, please.

(*The Attorney-General.*) I was not leading.

22,187. Now, how often did the general meetings take place of the League?—Every week.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,188. On the same day as the meetings took place, was there any committee meeting?—Yes; the members of the committee used to retire to an inner room after the general business was done.

22,189. That committee meeting was held, I think you said, after the general business was done?—Generally after.

22,190. Did you at one time go to those committee meetings?—No, I did not go, but I went to the general meetings.

22,191. Did you go to the committee meeting as well afterwards at any time?—No.

22,192. At these general meetings, when the persons who had paid rent were referred to, what was said about them?

(*Sir C. Russell.*) Were they referred to?

(*The Attorney-General.*) He has already said so.

(*Sir C. Russell.*) No, he has not indeed. He said there was a tendency not to keep together, but they used to go on their own hook.

(*The President.*) He said that was discussed.

(*Mr. R. T. Reid.*) I will ask also that what was said by what person, should be stated, and not generally what was said.

(*The Attorney-General.*) Your Lordship has heard the question, and has heard the previous answers. I will take care about my questions, and ask that a formal objection be taken if necessary.

22,193. Now you have said that the fact of people paying on their own hook was discussed at the general meetings or at the meetings of the League. What was said about them when that was discussed?—It was said that those who went behind the backs of others—it was said——

(*Sir C. Russell.*) Who said? Surely we ought to have who said it.

22,194. (*The Attorney-General.*) What was said, if you please?—Oh, they were vile things.

(*Mr. R. T. Reid.*) I submit we are entitled to know who said it.

(*The President.*) If he knows it.

(*Mr. R. T. Reid.*) I submit the general statement "it was said" is not evidence.

(*The Attorney-General.*) I submit the question is a perfectly fair one.

(*The President.*) If he knows the name he can mention it.

22,195. (*The Attorney-General.*) You had better first repeat your answer. What was said about those who paid on their own hook?—It was said that they were vile things; that they should be banished off the ground as St. Patrick banished the serpent; that they were not fit to walk or creep on the ground.

22,196. Do you remember any persons who took part in that kind of discussion?—I do.

22,197. Mention the names?—Patrick Kenny, Thomas Moore, and Tim Horan, the secretary; I remember them three.

22,198. I think you added that Timothy Horan was the secretary of the branch?—Yes, he was the secretary.

22,199. Was Timothy Horan secretary of the branch from the beginning?—He was, as far as I know.

22,200. Just answer my question, yes or no, if you please. Did you at any time hear of an inner circle or body?—I did.

22,201. Were you at any time invited to join it?—Yes.

22,202. Did you join it?—I did in a ——

22,203. Only answer my question, please.

22,204. (*Sir C. Russell.*) No, go on. "I did in" what?—Well, in a way.

(*The Attorney-General.*) Very well, we will get it all out, Sir Charles, if you will only permit me.

22,205. When, please?—Some time, I think, in December 1880.

22,206. What was the Inner Circle called?—They were known at that time by the name of "the Boys."

22,207. How did you come to join it?—Well, two boys, members, or who said they were members—who told me they were members—used to be often asking me to join.

22,208. Two men who told you they were members of the "Boys"?—They told me they were members.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

- 22,209. Often asked you to join it?—They often asked me to join it.
- 22,210. What were their names?—George Twiss and John Connor.
- 22,211. What did these men say to you?—They used to say that I ought to join—that it would be a fine thing—a proud thing to be a soldier of Parnell's, and that I would get a little pay for doing nearly nothing.
- 22,212. Did you consent or not?—After some time I consented.
- 22,213. Just answer yes or no, please. Had you heard anything about the "Boys" being sworn?—I heard they were sworn; they told me they were sworn.
- 22,214. After you consented to join were you taken anywhere?—I was taken into the secretary's room and in the presence of the secretary.
- 22,215. Was that in the same place as the meetings were held at or a different place?—At his own house.
- 22,216. You mean at Timothy Horan's house?—Yes.
- 22,217. Who were there?—No one but himself—no one but Timothy Horan.
- 22,218. Who took you there?—George Twiss and John Connor.
- 22,219. Did they go in with you?—They did.
- 22,220. Now did anybody say anything. Did Twiss say anything or did Connor say anything?—Twiss said, "Tim, this fellow is all right, and we want one or him in his district."
- 22,221. What was your district—I mean, where were you living?—The parish of Killentierna.
- 22,222. Now you can tell me, was there any one boy or member of this circle which you joined in your district at that time?—No, not to my knowledge.
- 22,223. What did Horan say?—"All right."
- 22,224. Now I must go back again, if you please, to a little before this time. Do you remember any names being mentioned in any resolutions with reference to the payment of rent on their own hook?—I don't.
- 22,225. Just think now. Do you remember any people who were said to have paid their rent before you joined the boys—people who were said to have paid their rent being named by name at the meetings or in resolutions?—No.
- 22,226. Are you quite sure?—I don't remember.
- 22,227. I do not ask you the names of the people, but do you remember that any names were mentioned in the resolutions?—Oh, yes, there used to be names mentioned.
- 22,228. What was said when names were mentioned?
- (*Sir C. Russell.*) By whom?
- 22,229. (*The Attorney-General.*) At these meetings?—It was said that they were bad, and that they are to be put off the face of the earth—the ground—something of that.
- 22,230. Now, do you know whether anything was done with reference to those people whose names were mentioned?
- (*Sir C. Russell.*) Of his own knowledge?
- 22,231. (*The Attorney-General.*) Yes, of his own knowledge?—No, at that time.
- 22,232. Do you know a man named Hugh O'Connor?—I do.
- 22,233. Who was he tenant to?—Mr. Herbert, of Muckcross.
- 22,234. Where did O'Connor live?—At Coolnageragh.
- 22,235. Did you know any people named Flynn?—Yes.
- 22,236. Where did they live?—Cool.
- 22,237. Whose tenants were they?—Tenants, I think, of Lord Ventry, but I am not quite certain.
- 22,238. Just try and think, please, with reference to what I was asking you just now. Did you hear of anything being done?—I heard that they were visited by a party of the boys for paying their rent, but that is all I know about it. I only heard it.
- 22,239. Who told you they were visited by a party of the boys for paying their rent?—Oh, well, some of the boys.
- 22,240. Was that before, or after, you joined?—I think it was after.
- 22,241. Now, did you take part in some of the expeditions of the boys?—I did.
- 22,242. What was the first that you took part in?—Putting back a woman into her place that was evicted.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,243. What was her name?—Mrs. Horan.

22,244. What farm or what place?—I think Mullin or Ardravill.

(*Sir C. Russell.*) Are they the same place, or is he not sure which place?

22,245. (*The Attorney-General.*) I am not sure, but I will ask. Are you speaking of two places, or are you not quite sure which is the name?—I am not quite sure which is the name.

(*The Attorney-General.*) I think your Lordship will find it is a case we have already proved.

22,246. Who was the landlord?—Sir Maurice or Sir James O'Connell, I am not sure which.

22,247. Who had taken possession of the land, or who was in possession of the land?—Edmund Brown.

22,248. Are Mullin and Ardravill near to one another?—They are nearly the same place as far as I know. I know the place by the two names.

22,249. Where was Mrs. Horan before you reinstated her and put her back?—Oh, in a house convenient.

22,250. How many boys were there engaged in putting back Mrs. Horan?—Between 30 and 40. There was 30 anyway.

22,251. Were any of them armed?—About 15.

22,252. What with?—Some with guns and some with revolvers.

22,253. Had you any arm at that time?—No.

22,254. Did you know all the 30, or all the men who were there—the boys, or were some strangers to you?—The most of them were strangers.

22,255. Tell us any that you knew?—Well, George Twiss and John O'Connor.

22,256. The same two men as had enlisted you, or asked you to join?—Yes, I remember them, and Timothy O'Connor, another.

22,257. Anybody else do you remember?—Not now.

22,258. Before you left what was said?

(*Sir C. Russell.*) Left where?

22,259. (*The Attorney-General.*) Before you left the house where Mrs. Horan was put back, was anything said to her?—They warned her not to leave only at the point of the bayonet—to stay inside.

22,260. When you say they warned her, was there any oath or anything of that kind done, do you remember?—She was not sworn.

22,261. Were there captains of "the Boys"?—They told me there was captains. I understood there was captains.

22,262. Do you know who was the captain on the occasion of this putting back of Mrs. Horan?—George Twiss.

22,263. Were you paid for the part you took in this putting back Mrs. Horan?—I received 6s.

22,264. Who from?—From the secretary, Timothy Horan.

22,265. Were any others paid in your presence?—9 or 10 more.

22,266. The same amount or different amounts?—The same amount, I think.

22,267. 6s. each, as far as you remember?—I think it was.

22,268. Now do you remember taking part in any expedition with reference to Richard Meredith's estate?—Yes, I do.

22,269. What was the expedition on the tenants of Richard Meredith's estate?—Oh, just to warn them not to pay their rents only at Griffith's valuation.

22,270. How many of you were engaged in that?—Well, I should think about 15.

22,271. Were the 15 armed on that occasion?—All armed.

22,272. What with?—Some with guns and some with revolvers, and some with bayonets.

22,273. Were you disguised?—All disguised, or nearly all.

22,274. How?—Just with a screen on the face.

22,275. What arm had you?—A revolver, I think.

22,276. Where had you got it from?—From George Twiss.

22,277. Did you keep it after that or give it back again?—I gave it back some time after, but not that night.

22,278. Just tell us what you did on the occasion of this expedition?—Well, we entered the house and warned them not to pay their rent only at Griffith's valuation.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

They generally promised us, and if they did not open the door at once we generally burst it in and fired some shots by way of terrorising them.

22,279. Did you on that occasion injure anybody or not?—There was none injured, they all promised.

22,280. Now you have stated that if they did not open at once, the doors were burst in and shots fired to terrorise them?—Yes.

22,281. About how many, as far as you recollect, did you visit altogether?—Well, about 10 or 12 on that night, I think.

22,282. About how many times did you fire shots to have the effect you have referred to?—Well, we fired in about five or six houses.

22,283. Did you leave in any case before you got the promise? Did you always get the promise before you left?—Always.

22,284. Do you know who the captain was on this occasion?—Thomas Rourke.

22,285. Was he a Castleisland man?—No.

22,286. Where did he come from?—From my parish, Killientierna.

22,287. About what time or what year was that visiting of the tenants on the Meredith estate?—Some time in the spring of 1881.

22,288. When these persons promised, was anything said to them about the police, or about telling the police?—They were told not to report the occurrence to the police.

22,289. Now, did you see from time to time notice of some of these raids, or some of these visits, in the newspapers, or quotations from the police reports?—Well, I used to see some of them reported and some not reported.

22,290. You have anticipated me; did they all appear in the newspapers, or the police reports, or not?—No, not half of them.

22,291. When the people were told not to tell the police, was anything said to them as to what would happen if they did?—I heard that they would come again to them and give them severer chastisement.

22,292. When you went on these occasions to these tenants, Bourke, I think you said was the name of the captain?—Rourke.

22,293. Who used to speak to the tenants, Rourke or any other one of the 15?—There used to be one appointed; the same person used not to speak in every house.

22,294. Before you got to the house, you mean one used to be chosen to speak?—Yes.

22,295. In the month of March 1881, do you remember anyone coming to Killientierna or Currow?—I do.

22,296. First tell me, how near is Currow to Killientierna?—The parish is known by the two names.

22,297. Killientierna and Currow are the same place?—The same place.

22,298. Who was it who came in March 1881?—Mr. Timothy Harrington.

22,299. Did you yourself see him?—I did.

22,300. Where?—I saw him speaking to the people about mass time.

22,301. After mass time, or before mass time?—After mass time.

22,302. Did you hear what he said?—Well, he made a regular speech.

22,303. Well, what did he say as far as it is material; what did he say?—He said that he wanted to get a Land Leaguer returned for the electoral division, and that he wanted to throw out the man who was in, that he was a landlord's man. It was for the poor law guardian.

22,304. This electoral division, what was it for?—For a poor law guardian on the Killarney Board.

22,305. Who was the man who was representing it?—Richard Bourke.

22,306. What was he?—He was an agent for Mr. Meredith, or under agent.

22,307. Do you remember Mr. Harrington saying anything more at this meeting about the man who was then representing them?—He said that they ought to vote for his man, and that it was a shame for them to return a landlord's strapper and lickplate.

22,308. Did he say anything about the people who voted or would vote for Bourke?—I do not remember.

22,309. Did anybody in the crowd call out anything?—Yes, one man in the crowd called out "Cheers for Mr. Bourke."

22,310. Was there any response to that?—There was.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,311. People cheered?—Yes.

22,312. I should like to ask you—do not answer unless you know—do you know whether Mr. Bourke was popular in the place or not?—He was generally popular in the parish.

22,313. After that did you see Mr. Harrington?—Yes.

22,314. Timothy Harrington—I had better repeat the name to avoid mistake?—Yes.

22,315. Did he come to you, or you go to him?—He was speaking to two other men, and I was with them.

22,316. Who were those other two?—Thomas Brosna and Nicholas Brosna.

22,317. What did Mr. Harrington say?—He said he was afraid that Bourke would be returned, and that he would not wish it for 200l.

22,318. Did he say anything further?—He said that two or three of us ought to go round—go round by night and get a few of the farmers who would not otherwise vote for his candidate, to vote.

22,319. Who was his candidate, or did he name his candidate?—Jeremiah McSweeney.

22,320. How did they vote; by voting papers, or how?—By voting papers.

22,321. What were you to do, or did he say what you were to do?—He said that we were to get them to sign the votes if possible, and not to spare them; but not to kill them; not to hurt them too much, if they needed it.

22,322. Repeat yourself again what Mr. Harrington said you were to do; you said something about not to spare, but not to kill them, or do something?—He told us to frighten them a good deal, but not to kill them, and not to take any drink, lest we should do something foolish.

(The President.) I think it will be found he used the words “not to hurt.”

(The Attorney-General.) Yes, my Lord, not to do them any hurt.

[The previous answer was read by the Shorthand Writer.]

22,323. Was anything said about your getting the voting papers, or getting them to sign?—He said for us to have they sign them.

22,324. To have them sign them?—Yes.

22,325. Did you go?—I did.

22,326. How many of you?—Two.

22,327. Were you armed or not armed?—We were armed.

22,328. Was anything said at the conversation with Mr. Harrington about pay?—He said if he was elected that we could name our hire or pay.

22,329. If who was elected?—His candidate, Mr. McSweeney.

22,330. Did he say anything to you about going anywhere?—About what?

22,331. Did he say anything to you about going anywhere—Castleisland, or anywhere?—He said to come on to Castleisland, as himself was going there, and that he would send some people to canvas from there, perhaps.

22,332. Did you go?—Yes, we went on to Castleisland.

22,333. Do you know, from what happened at Castleisland, whether Mr. Harrington did send any man down from from Castleisland?—I do not know.

22,334. You went round; how many men altogether did you visit?—Only two, because there was no call for it. Another man or two went round in the daytime, and they got sufficient votes to return Mr. McSweeney.

22,335. Do you know who the man was who had gone round the previous day?—I do.

22,336. Who was he?—His name was Joseph Murphy.

22,337. Was he a Castleisland man?—No, he belonged to the parish, to the electoral division.

22,338. Did you go round with that man yourself?—I went round to three or four houses with him in the morning.

22,339. Did you get the signatures?—He did. I did not ask them at all.

22,340. He got the signatures?—Yes.

22,341. After that you went with two men, as I understand?—Yes, that night.

22,342. On the occasion of going round with this man in the daytime when he was asking for signatures, did you hear him say anything to the people?—Well, he said that he was asking the votes in the name of the League.

22,343. Did you hear him?—Yes.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,344. Did you hear the man that went round say anything about the man for whom he asked for the votes?—He said he was asking the votes for Jerry McSweeney, and Mr. Harrington in the name of the League, and whoever did not give it, they might expect a visit from Castleisland.

22,345. How many men declined to give on the occasion of that visit that you went round with this man in the day?—While I was with him no one declined.

22,346. Did you visit anyone the following night or the night after?—I visited two.

22,347. How did you come to visit those two?—Got into the house; disguised ourselves and came in.

22,348. Why did you go to those two?—Because they refused Murphy in the daytime.

22,349. How did you know that they had refused Murphy in the daytime?—I met him in the afternoon. I called on him and asked him how did he get on with the canvas; he told me he had got on well enough, excepting those two.

22,350. And those two you visited with whom?—With Thomas Brosnan.

22,351. Were you armed?—We were armed.

22,352. With what?—Revolvers.

22,353. What time did you go—I mean in the daytime or at night?—At night.

22,354. What were the names of the two men you visited?—Thomas Walsh and James Dunlevy.

22,355. You told us that those names had been given in by Murphy; had you yourself visited those men before, or not?—Not before; no.

22,356. What did you do?—We just threatened them, and said we would do something to them if they did not sign the votes for Mr. McSweeney, and they promised us faithfully they would, and we left.

22,357. Were you disguised on that occasion?—Disguised.

22,358. Both those men promised you faithfully they would, and you left; you had not to do anything to them, or fire any shots, or anything of that kind?—No.

22,359. The Sunday after that did anybody call upon you?—No.

22,360. First let me ask you, was McSweeney elected?—Yes.

22,361. Had McSweeney anything to do with the League?—I think he was the Vice-President of it.

22,362. The Castleisland Branch?—Yes.

22,363. Did you and Brosnan call on Mr. Timothy Harrington?—We did, on the following week.

22,364. Where?—In Tralee.

22,365. Did you see him?—I did.

22,366. What did you say to him, or what did you ask him for?—Well, we asked him for what he promised.

22,367. Try and remember what you said to him?—No.

22,368. Was any amount mentioned, or did you only ask what he had promised. Do you remember?—I do not remember.

22,369. What did Mr. Harrington say?—Oh, he said he had not it, and to go away, and it was a shame for us.

22,370. Did he say anything more?—He said he would send someone to see us perhaps to Castleisland soon, or next Sunday, I am not sure which.

22,371. Did somebody come to you on the next Sunday?—On the next Sunday a young man met me and Brosnan.

22,372. Did you know him?—No.

22,273. Or did you know where he came from?—We did not know at all, but he came up to us on the street.

22,374. Did he give you anything?—He gave us 7l., and cautioned us not to annoy Mr. Harrington any more.

(*Sir C. Russell.*) When he says "gave us," does he mean Brosnan and him 7l.

22,375. (*The Attorney-General.*) Did he give you pay 7l. between you, or 7l. each?—Between us.

22,376. As far as you knew them, were the Boys members of the League?—They were,

22,377. Do you know whether persons were admitted Boys unless they joined the League?—I thought not, and they told me that anyone could not be admitted unless they were members of the League.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,378. Who told you that?—Well, the members, or Boys.

22,379. You mean some of the Boys themselves?—Yes.

22,380. How were the orders given to these expeditions you have referred to, going out to the tenants and going out to put Mrs. Horan back; how were the orders given?—Well, I got the orders from the members that I understood to be captains, and they told me they got them from the committee.

22,381. What committee did they tell you they got the orders from?—From the committee of the Castleisland Branch of the Land League.

22,382. After you joined the Boys, used you on any occasions to remain on after the general meeting was over. I do not mean inside, but remain outside?—Well, I generally remained for a quarter of an hour.

22,383. Did you see any members of the committee speaking to the captains or any you knew to be captains?—I did often.

22,384. Used the captains to remain after the general meeting was over some little time?—Yes.

22,385. What were they doing while they were waiting?—Oh, they would hang round—be walking outside the door and about the other rooms of the house.

22,386. Do you remember the names of any of the members of the committee whom you had seen come out and speak to the captains while you and the captains were hanging about there?—The secretary; I remember seeing the secretary speaking to them.

22,387. Which secretary?—The secretary of the branch, Timothy Holan.

22,388. After March 1881, did you take part in any further night expeditions?—No.

22,389. How was that? Why not?—Oh, well, I did not like to be doing it; I used to be invited, but I avoided it on several pretences.

22,390. Just tell us what you mean; what sort of excuses used you to give?—Well, I used to say that I had something else to do, and sometimes I would say that I would come, and I used not to come.

22,391. After that time, did you go at any time to America?—I did in June 1882.

22,392. How long did you stop in America?—Till December of the same year.

22,393. 1882?—Yes.

22,394. When you came back did you go back to the same place, in the neighbourhood of Castleisland?—I did.

22,395. Did you join the Castleisland Branch?—Yes.

22,396. As an ordinary member, or what?—As an ordinary member.

22,397. In 1885 was a branch of the National League started at Currow?—There was.

22,398. Were you the secretary?—No.

22,399. Who was?—My brother was.

22,400. What is his name?—John.

22,401. After that branch was started, did you attend meetings?—I did.

22,402. At any of the meetings was a proposal made for a circle of Boys being formed?—Not at the meetings.

22,403. When or where was a proposal made that a circle of Boys should be formed?—Well, people would say it, but not at the meetings.

22,404. Just explain; was a proposal made, or did people say that a branch of the Boys should be formed?—They did not say it at the meetings.

22,405. Who said it at all?—Well, farmers and others about the parish used to say it; they used to just say that a branch would be no good if there was not an inner circle like there used to be in Castleisland.

22,406. Were you asked, or was this proposal made to you, by some of them that you have referred to; what I want to know is did you oppose or did you support it?—Oh, I opposed it.

22,407. You said your brother was secretary of the Currow Branch of the National League?—Yes.

22,408. Were you living in the same house with him?—Yes.

22,409. Did you receive, or did there come to your brother's house, circulars or documents relating to the National League?—Oh, there did; a great many.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,410. Did you ever do any of the secretary business with your brother ; did you ever act as secretary with your brother ?—I did.

22,411. Where did you get that document that you have got in your hand from ?—*(Sir C. Russell.)* He has not said that he got it all.

22,412. *(The Attorney-General.)* I will ask him directly. The document I have put into your hand, have you seen that before ?—Yes.

22,413. Where did you first see it ?—Well, I first saw it in my brother's desk.

(The Attorney-General.) This, my Lord, is addressed to the honorary secretary of the Irish National League, Currow, Kerry. Farranfore Irish National League, Tralee, 7th of June 1886. The postmark is the 9th of June 1886. It is a printed form, and then filled in at the bottom, To the Honorary Secretary of the Currow branch :—

“Dear Sir,—We beg to inform you that the following resolution was
 “unanimously adopted at a full general meeting of the Tralee Branch held on
 “Sunday the 6th of June. Resolved, that we condemn in the most unmeasured
 “terms the conduct of Cornelius O'Sullivan, harness maker, Castle Street ; Richard
 “Harold, Boherhee, William Brick, J. Delaney, and John” (it is Wet or White,
 but there is a tear) “for supplying cars to the police on the occasion of the
 “recent evictions in Listowel, and that of some merchants in the town who
 “supplied grain for their horses, and we consider their action in the matter
 “further aggravated by the fact that none of the Listowel carowners would
 “supply cars for the occasion, and we maintain that it is perfectly unjustifiable
 “and contrary to the dictates of humanity for those parties to assist in the whole-
 “sale eviction of the tenant farmers of Kerry from whom they have derived their
 “principal means of support, and through whom some amongst them have
 “succeeded in growing rich and independent ; and we call upon every branch of
 “the League in Kerry to enter their indignant protest against such shameful
 “ingratitude towards the oppressed and suffering tenant farmers of that county,
 “and we consider those parties who are assisting in the baneful work of the
 “crowbar, as altogether unworthy of the support of any members of the Irish
 “National League. Resolved that we strongly condemn the action of John
 “Teahan, cattle dealer and hotel proprietor, John Lamb, senior, John Lamb,
 “junior, James Dawson,” (I think it is butter merchant, my Lord, but I cannot
 tell, as part of the word is gone) “for dealing in cattle with the land corporation,
 “as the only effectual bar to the reinstatement of the evicted men of this
 “country in their houses, and we still further adopt a stringent rule that any
 “member of this League who deals with or holds communication with those
 “parties or any other aider or abetter of the Land Corporation will be
 “summarily expelled, and we direct our secretary to return Mr. Teahan his
 “subscription, as we consider him unworthy to be a member of this League ;
 “and that a copy of these resolutions be forwarded to every branch of the
 “League in Kerry. We remain, faithfully yours, William Flynn, Jeremiah
 “Leahy. To the Honorary Secretary of the Currow Branch.”

22,414. Now, do you remember the Sunday before the day on which Cullotty was shot ?—I do.

22,415. Were you at the meeting of the Castleisland Branch on the Sunday ?—I was.

22,416. Was anything said about Cullotty at that meeting ?—Yes, a tenant came in and he showed a writ, and he said that Cullotty came with the bailiff that served the writ, and pointed out his house to him.

22,417. Do you remember whether, beyond saying that Cullotty had pointed out the house to the bailiff, he said anything more, or anything more was said then ?—Well, the committee retired.

22,418. The committee retired ?—Yes, to another room,—their private room.

22,419. The committee retired. Did anybody accompany the committee when they retired—any priest ?—Yes, Father O'Callaghan ; but I think he was a member of the committee.

22,420. Father O'Callaghan was there, and you think he was a member of the committee ?—He might be the chairman ; I cannot be sure at the time.

22,421. Do you remember the tenant's name who brought the writ ?—John Brosnan.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,422. Did the committee come back into the room after they had been away some few minutes?—They did.

22,423. Did the chairman or Father O'Callaghan say anything when they came back into the room?—Well, he smiled, and he said they all knew Cullotty; that he was an ugly man, and that he would be soon uglier, and he told Brosnan not to let the writ trouble him; that he would have satisfaction.

(*The Attorney-General.*) I call your Lordship's attention to the name at the end of the letter, already in evidence, of Timothy Horan to J. P. Quinn. I will hand it up to your Lordship.

[*The letter was handed up.*]

(*Sir C. Russell.*) It was in Davis's evidence.

(*Mr. Justice A. L. Smith.*) I was only going to look at it here.

(*Sir C. Russell.*) It is at page 1113.

22,424. (*The Attorney-General.*) Now, do you remember, when you were helping your brother as secretary of the Currow Branch, an application being made to Dublin?—I do.

22,425. On whose behalf was that?—On behalf of three evicted tenants.

22,426. Do you remember their names?—Yes.

22,427. Just name them?—Mistress Mary Russell.

22,428. On whose estate?—The estate of Lady Coltsman.

22,429. Next?—Mistress Mary Butler.

22,430. Whose estate?—On the estate of Mr. Richard Meredith.

22,431. Next?—Michael Riordan.

22,432. On whose estate?—On the estate of Mr. Hartrue Andrews.

22,433. (*Sir C. Russell.*) Hartopp?—Hartrue Andrews.

22,434. (*The Attorney-General.*) By whom was application made?—By the secretary and chairman.

22,435. Of the Currow Branch?—Yes.

22,436. Do you remember some replies coming back?—I do.

22,437. One or two replies?—Two.

22,438. Did they come by the same post or different posts?—By the same post.

22,439. Was one of the replies on official Land League paper—National League paper?

22,440. (*Sir C. Russell.*) Let us have it?—Yes.

22,441. (*The Attorney-General.*) What became of that one?—Oh, I do not know. It was destroyed, I suppose.

22,442. What did that say?

(*Sir C. Russell.*) My Lords, in a witness, particularly of this class, is that right to be asked?

(*The President.*) In whose hands did you last see it?—you might ask him.

22,443. (*The Attorney-General.*) In whose hands did you last see it?—That letter?

22,444. Yes?—I think I had it last myself. I did not see it since I had it myself.

22,445. It came, as I understand, to you or your brother, addressed to the secretary of the Currow Branch?—Yes.

22,446. Have you got it now?—No.

22,447. What has become of it?—I do not know; it is destroyed, probably.

(*The President.*) Where is his brother; because he received it first?

22,448. (*The Attorney-General.*) Do you believe that document to be in existence now or not?—I do not think it is in existence.

22,449. I propose, my Lords, to ask for the contents of that document.

(*Sir C. Russell.*) I will not press the objection.

22,450. (*The Attorney-General.*) What did that document, the one that was on the official paper, say?—That the place, the district, was too disturbed, and therefore they would not give any money to any evicted tenants or anyone else until they got a little quieter.

22,451. Was the Currow district disturbed at that time?—Very quiet, that parish, but the Castleisland district was disturbed.

22,452. Currow was disturbed?—The Currow was quiet.

22,453. By the same post came another letter; was that on official paper or plain paper?—Not on official paper.

22,454. Was it in the same envelope, or a separate envelope?—Separate envelope.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,455. Who was it from?—It was signed from the secretary of the Central Branch, like the other one.

22,456. Who signed it?—Well, Mr. Harrington's name was on it.

22,457. Timothy Harrington?—Yes.

22,458. Have you got that one, or not?—No.

22,459. (*Sir C. Russell.*) Signed by the secretary of the Central Branch?—Yes.

22,460. (*The Attorney-General.*) Was it signed by Mr. Harrington, or do you mean only Mr. Timothy Harrington's name was in it?—His name was in it; how can I give whether he signed it.

22,461. There was the name of Timothy Harrington at the bottom of the letter?—Yes.

22,462. In the usual place where the signature is?—Yes.

22,463. You do not know whether he wrote it?—No.

22,464. It was signed by Timothy Harrington, or purported to be signed by Timothy Harrington. Was it marked with anything. I am not sure whether you stated there was any mark upon the letter?—No, I think not.

22,465. What has become of that letter. I ask you whether you have got it?—No, I have not got it.

22,466. Do you know where it is?—Oh, I know that letter is destroyed.

22,467. How do you know that?—Well, I was often looking for it, to refer to it, and I could not find it.

22,468. What did that letter say, please?—Well, it gave some reason for not giving the grant to the evicted tenants.

22,469. What reason did it give; what did the letter say?—I could not remember the wording of the letter.

22,470. Tell us the substance of the letter?—The substance was that the place was too dull; that the branch was too dull.

22,471. Was that the reason given for not giving the grant?—Yes.

22,472. Did it go on to say anything further?—No, but not to read it to the President.

22,473. You were not to read it to the president. Who was the president?—The Reverend Father Fitzgerald.

22,474. Now you said it was not to be read to Father Fitzgerald, try and think, please, was there anything else in the letter which the letter said was to be read to Father Fitzgerald?—I do not remember anything else.

22,475. Any other reason given in the letter either for refusing the grant or for not reading the letter?—No, I do not remember it.

(*Sir C. Russell.*) Your Lordships may or may not be surprised to know that we have had no intimation as to this witness, or to the substance of this witness's evidence, and neither the subject matter of his evidence, nor the name has been in any way referred to in any part of the proceedings till the present moment. My application is that I may have the opportunity of cross-examining him later, in order that we may learn something about him; but I should like meanwhile to put one or two questions.

(*The Attorney-General.*) As far as asking the witness to come back, that is another matter; but I certainly ask for this witness to be cross-examined now.

(*Sir C. Russell.*) I decline to cross-examine this witness. I decline to be forced to cross-examine a witness whose evidence or whose existence or relation to the subject matter, or of whose evidence we have never had any intimation during the evidence in the course of the case, or in the Attorney-General's opening. I should have thought that so far from any resistance being made to the application, that the Attorney-General would have seen the reasonableness of it, inasmuch as if there was any reliableness to be placed on this gentleman's evidence, Mr. Harrington was entitled to have notice given to him as his name was brought in, and there are matters by which he was said to be incriminated; and there has been no statement or a syllable uttered or any notice given, and so far as this gentleman's name is concerned,—so far as my instructions go,—we have never heard his name.

(*The Attorney-General.*) So far as giving the name beforehand, I have declined in certain cases to do so, for reasons I have stated already. I have stated that any gentleman who is likely to be named should be present here.

(*Sir C. Russell.*) I should wish to have this complaint of mine not to be taken as a complaint against the Attorney-General, but I shall have something to say hereafter on this matter.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

(*The President.*) If you will be good enough to proceed with the cross-examination as far as you can.

(*Sir C. Russell.*) I simply wish to ask where he comes from, and one or two other questions.

Cross-examined by Sir C. RUSSELL.

22,476. Where are you living?—County Kerry.

22,477. Where?—Castleisland District.

22,478. Where?—In the Castleisland District.

22,479. Where?—I said in the Castleisland District.

22,480. I asked you where you are living?—The parish of Killinterrin.

22,481. And since you returned from America have you been living there?—Yes.

22,482. And you returned from America, you told us, I think, in December 1882?—Yes.

22,483. And may I take it then that, except the interval between June 1882, when you say you went to America, and December 1882, when you returned from America, you have been living at Killinterrin?—Yes.

22,484. What are you—a farmer, or a farmer's son, or what?—A farmer's son.

22,485. What is your father's name?—John.

22,486. John O'Connor?—Yes.

22,487. You reside with your father?—Yes.

22,488. And your brother?—Yes.

22,489. Is your brother living?—Yes.

22,490. At Killinterrin?—Yes.

22,491. Were you aware, or are you aware, that the man whose name you have so frequently mentioned—Timothy Horan—is dead?—I know he is dead.

22,492. How long has he been dead?—I think since the summer of 1883, but I am not sure.

22,493. When did you first give information to the police?—To the police—about what?

22,494. About anything?—I did not at all.

22,495. You have never given any information to the police?—No.

22,496. Nor made a statement to the police?—No.

22,497. Or to a district inspector?—Well, I might tell him something, but nothing about this.

22,498. What district inspector?—District Inspector Rice, Castleisland.

22,499. When did you come here to London first?—Sunday morning I arrived here.

22,500. Last Sunday morning?—Yes.

22,501. Had you before you arrived here given a statement of your evidence to any one?—Before I arrived here? Yes, I gave some statement in Dublin.

22,502. Stand up, please. In Dublin?—Yes.

22,503. Who told you to go to Dublin?—Dublin?

22,504. Who told you to go to Dublin?—Well, a gentleman belonging to the — I made an application myself to go.

22,505. I wish you would finish your sentence. "A gentleman who"—who told you to go to Dublin?—A gentleman belonging to the office of the Irish Loyal and Patriotic Union.

22,506. What was his name?—I do not know his name.

22,507. Did you have a letter from him, or did he come and see you?—I had a letter from him.

22,508. Where is it?—Well, I do not know where it is.

22,509. Come, sir, how long ago was this letter?—That I got from him?

22,510. Yes?—Last week.

22,511. Search your pockets and see whether you have not got it?—Oh, I know I have not got it.

22,512. How do you know you have not got it. [*The witness searched his pockets*]?—I wish to know what letter you mean. I do not understand what letter you mean.

22,513. You said you went to Dublin. I am giving the substance of what you said—at the instance of a gentleman connected with the Loyal and Patriotic Union?—Yes.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,514. I asked you whether you had a letter from him, and you said you had last week?—Yes.

22,515. Now, I am asking you where is that letter. [*Witness produced a letter*]. Is that it?—Yes.

22,516. Why did you say a moment ago you knew you had not it?—I did not think this is the kind of letter you meant.

22,517. Give me the envelope as well as the letter; give me them both. [*The letter was handed to Sir C. Russell.*] Now this is a letter and purports to be signed E. Coffin Houston, Secretary of the Irish Loyal and Patriotic Union, chief office, Grafton Street, Dublin. It is addressed to Mr. T. O'Connor. "Dear Sir.—Please call on Sergeant " Donaldson, Castleisland Barracks, who will give you a ticket for Dublin, and tell " you where to come to.—Yours faithfully, EDWARD COFFIN HOUSTON." Mr. Houston, I see, is the writer. That is the first communication you had?—No, not the first.

22,518. When was the first?—I did not have any other communication. I did not have other letter from him.

22,519. Did you have a letter from anybody else?—No.

22,520. What do you mean by saying it was not the first?—I did not say so; I did not say it, did I?

22,521. You said it was not the first communication?—I mean I sent a letter to that office first.

22,522. You sent a letter first?—Yes, I call that communication.

22,523. When did you send that letter?—Oh, some time last week.

22,524. Some time last week?—Yes, in the beginning of last week.

22,525. Some time in the beginning of last week?—I think so.

22,526. Have you a copy of that letter?—No.

22,527. Was that the first communication you had had with Mr. Houston or with the Loyal and Patriotic Union on that subject?—It was on that subject, yes.

22,528. What had your previous communications been about?—Something about pamphlets and leaflets.

22,529. Literature that the Loyal and Patriotic Union were publishing?—Yes.

22,530. When was that?—Some time last summer.

22,531. 1887?—No, this summer.

22,532. 1888?—This is winter now.

22,533. Do you mean the summer of this year?—The summer of this year.

22,534. How did you come to communicate first with the Loyal and Patriotic Union?—Well, I saw it advertised in the newspaper that the leaflets they used to publish, and I just wrote for them, so that I could read them and see what they were for myself; that was all; and they sent them without any letter accompanying them or anything.

22,535. You wrote for the leaflets?—Yes.

22,536. And they sent them?—Yes, they did.

22,537. And that you swear was your only communication with them?—My only communication.

22,538. So that you are understood rightly, that until you received this letter of the 25th November——?—No, I sent a letter to them.

22,539. I understood that; this is the only communication you received from them?—The only communication.

22,540. To whom was it you did write?—When?

22,541. When you wrote, as you say, last summer?—I directed the letter to the secretary of the society.

22,542. Of what?—The Patriotic Society.

22,543. Where?—In Dublin.

22,544. And got back an answer?—I got no answer but the leaflets what I wanted.

22,545. Had you no communication with anyone at Castleisland in reference to what you could prove or say before you received the letter before the 23rd November?—No.

22,546. That you swear?—I do swear that.

22,547. Positively?—Positively.

22,548. And had communicated to no one?—How? I do not understand that.

22,549. Had communicated to no one, either connected with the Patriotic Union or with the police, any statement you could make?—No.

22,550. Not in any shape or way?—No.

22,551. You are quite sure?—Quite sure.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,552. Now you went to Dublin, after the first visit to Sergeant Donaldson?—Yes, he gave me a ticket.

22,553. Was he getting up evidence?—Not to my knowledge.

22,554. How did you come to be referred by the Loyal and Patriotic Union, do you know Sergeant Donaldson?—I do not understand you.

22,555. Do not you? This is the note: "Dear sir, please call on Sergeant Donaldson, at Castleisland barracks, who will give you a ticket for Dublin, and direct you where to come to"?—Yes.

22,556. Was he sergeant in charge of the constabulary force in Castleisland?—No, I think not.

22,557. Is he a sergeant?—Acting sergeant, I think.

22,558. Acting sergeant at Castleisland?—Yes.

22,559. Was he engaged in getting up evidence?—Not to my knowledge. He said nothing at all to me, but gave me the ticket for Dublin—not even a word.

22,560. And you did not ask him even anything about it?—I asked him nothing at all. He also gave me the address of a hotel, and he said I would be all right there.

22,561. What was the hotel he gave you?—Oh, somewhere in Eden Quay.

22,562. Then you went to Dublin?—I did.

22,563. Had you before you went to Dublin written out any statement of what you knew, or professed to know?—No, not before I went to Dublin.

22,564. Then I am to take it that up to the time you went to Dublin you had not stated to anybody what you knew or professed to know, or had not written out any statement of what you knew or professed to know?—No, but I said I knew something.

22,565. To whom?—To the Secretary of the Patriotic Union.

22,566. I do not think you told us that?—Eh!

22,567. I did not gather you said that. Let me understand, when you wrote for the leaflets; was that the time you mean?—Oh no, oh no.

22,568. When?—Just last week, I said.

22,569. You wrote another before getting this letter?—Yes.

22,570. What did you say in that letter?—Well, I said——

22,571. I call for the letter, I presume you have it?

(*The Attorney-General.*) I have no objection. It must be read now, please.

(*Sir C. Russell.*) I think you will allow me to take my own course.

(*The Attorney-General.*) I think not. You called for the letter and asked for its contents, and therefore the letter must speak for itself.

(*Sir C. Russell.*) It is a question as to the order of the time in which I shall do it.

22,572. Is this the first statement you made?—Yes.

22,573. Just give me your address again, your post office address?—Scartaglin, County Kerry, Inchineumer.

22,574. That is the post office address?—That is the whole address.

22,575. I will read this in a moment, but I just wish to follow it out for a moment. Can you tell us at what time you sent this letter?—I do not remember.

22,576. How long before the 23rd of November?—It might be four or five days.

22,577. Just see if this is the letter you wrote. (*Passing it to the witness.*) Let us make it quite clear. Is that the letter?—It is.

22,578. I noticed you produced another paper from your pocket, Connor, what was that, another paper in your left-hand pocket, what was that?—Oh, this is a copy of the statement I made in Dublin.

22,579. Now let me have that?

(*The Attorney-General.*) This, my Lord, of course goes in now.

(*Sir C. Russell.*) It goes in when I read it.

(*The Attorney-General.*) Pardon me, you called for the witness's statement.

(*Sir C. Russell.*) There is not the slightest difference between us. It is merely the moment of time at which it shall be read. There is not the least objection, I am calling for it for that purpose.

22,580. Now follow, please. Up to the time you went to Dublin, except the letter which you have shown me here, you had made no statement in any shape or form to anyone about what you knew or professed to know?—No.

22,581. Except what is contained in this letter. Then when you went to Dublin did you see Mr. Houston?—I saw some gentleman. I do not know who he was.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,582. What did he call himself?—He did not call himself anything. I did not ask him.

22,583. Do you see him in Court to-day?

(*The President.*) Has he seen him here in London?

(*Sir C. Russell.*) I have asked him if he has seen him here to-day.

(*The President.*) Quite so.

I see one of them in Court.

(*The Attorney-General.*) As a matter of fact, in Dublin he did not see him.

(*Sir C. Russell.*) We do not want your interposition at the present moment, Mr. Attorney.

22,584. Point out the gentleman you say you saw?—In Dublin?

22,585. Yes.

(*The Attorney-General.*) Let that gentleman stand up, please. His name is Walker, my Lord.

22,586. (*Sir C. Russell.*) Did you see anyone else whom you saw in Dublin in Court to-day?—Well, I do not see him. He could be in the Court, but I do not see him.

22,587. Have you seen anyone since you came to London, as my Lord has been good enough to suggest, whom you saw in Dublin?—No, but that gentleman just now (Mr. Walker).

22,588. Do you know Mr. Houston now?—I do not know him.

22,589. Have you not spoken to Mr. Houston?—I do not know the name of any man I spoke to in Dublin or London.

22,590. How many did you speak to?—How many?

22,591. Aye, when you were giving your statement?—Well, to two.

22,592. One of them was that gentleman, I understand you to say?—Yes.

22,593. His name the Attorney-General says is Mr. Walker.

(*The Attorney-General.*) Yes.

(*Sir C. Russell.*) A solicitor's clerk, I suppose.

(*The Attorney-General.*) Yes, a solicitor's clerk. The name was given to you before.

22,594. (*Sir C. Russell.*) You mean on my private inquiry. That is another matter. I do not think we have heard his name in the case before. Mr. Walker; do you know his name?—Well, I know it now; not till now.

22,595. You did not know his name till I mentioned it this moment, is that so?—That is so.

22,596. And you did not know the names, and do not know the names of the other gentlemen you saw in Dublin?—No.

22,597. What is the other paper you have in your pocket which seems to be burning your pocket; is it the subpoena, or what—the left-hand breast pocket?—There is no paper there.

22,598. Is not there; I beg your pardon?—No.

22,599. There is no other paper?—Well, I think not.

22,600. Where were you served with the subpoena, or were you served at all?—I think I was, but I am not sure.

22,601. This is not a joking matter, Connor; you are not sure whether you were served with a subpoena?—I was served with some paper to-day, and it was taken away again.

22,602. To-day?—Yes.

22,603. Did you get any money with it?—No.

22,604. Have you got any money?—No, but they brought me over here.

22,605. Have you been promised money?—No.

22,606. Do you expect money?—Well, I expect that they will send me back.

22,607. Do you swear you expect nothing more?—I expect nothing more.

22,608. You swear that?—I do.

22,609. You have been promised nothing more?—Nothing more.

22,610. And expect nothing more?—I was not even promised whether I would be sent back, but I expect I will.

22,611. You have been promised nothing?—No.

22,612. And you expect nothing, but you expect to be sent back?—Yes.

22,613. Then you are coming to give your evidence here in the interests of justice, I suppose?—Well, I thought so.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,614. Is this statement which I have got here the only statement which was taken down from you?—Oh, well, I think it is.

22,615. But are you sure?—But I think that one is not quite correct.

22,616. Which one?—That statement you have.

22,617. Very well, we will see in a moment. How was it taken down. Was there a shorthand clerk?—No.

22,618. Was it taken down in longhand?—In longhand.

22,619. Was it read over to you?—Well, it was, but I don't know; it was changed every now and again.

22,620. This is a fair copy that was handed to you, I suppose?—Well, I don't know; it is a copy, but I do not know if it is a true copy.

22,621. When was this paper handed to you?—This morning.

22,622. Were you told to read it over?—I was told to look at it.

22,623. Before you came into the box to give your evidence?—Yes, at home, at my hotel.

22,624. Who gave it you this morning and told you to read it over?—Mr. Walker—that gentleman.

22,625. He told you you were going to be examined to-day?—He said that I probably would.

22,626. Did he go over it with you?—No.

22,627. But I understood you to say you found it was not correct in some respects?—Yes, I think it is not.

(Sir C. Russell.) Now, we will read these two documents.

[The letter was put in and read, and was as follows:—]

“ SIR,

Inchincumer, 21st November 1888.

“ I applied to you last June for leaflets and other pamphlets published by
“ the Irish Loyal and Patriotic Union. You forwarded them to me and I
“ received them all right and distributed them amongst the people round about my
“ place and I am happy to inform you that they have done some good. You
“ may remember that I told you at that time a good deal about myself, how I
“ was at one time hon. sec. of the branch of the N. League that was in my
“ parish.”

22,628. Is that true?—True, what is on the letter, is it?

22,629. Is it true?—When I put that on the letter I was not the official secretary, but I done a great deal of the business.

22,630. No, no, sir, that is not the point. Is it true? I think you led the Court to believe you had merely written to the Loyal and Patriotic Union, and asked them to send you some leaflets. Is it true that you told them, that is, the Loyal and Patriotic Union, at that time, “a good deal about myself, and how I was at one time honorary secretary of the branch of the National League that was in my parish?”—That is true; I wrote that.

22,631. You wrote that *here*, you mean?—Yes.

22,632. But is it true that you wrote that to the Loyal and Patriotic Union when you asked for leaflets?—It is.

(Sir C. Russell.) Now I call for that letter.

(The Attorney-General.) That, of course, we have not got.

(Sir C. Russell.) Why do you say “of course”?

(The Attorney-General.) We will get it. Of course we will. There is no objection to our trying to get it. We had nothing in the world to do with a letter written for leaflets in June. This letter, of course, was handed to us because it was a means of getting the witness. I was only indicating I could not get it for you at the moment. I will do my best to get it for you.

22,633. (Sir C. Russell.) I understood you were not honorary secretary of the branch of the National League, but your brother was, and you sometimes helped him?—Yes.

22,634. Then you go on—

“ A good deal about myself, how I was one time honorary secretary of the
“ branch of the N. League that was in my parish; how I succeeded in smashing
“ it, together with some two others.”

Is that true?—That is true.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,635. What were the two others?—Well Scartaglin and Currans.

22,636. And the third was what?—The third Currow.

22,637. Currow, Currans, and Scartaglan?—Yes.

22,638. Were you a Fenian?—A what?

22,639. Did you not hear me?—No.

22,640. Were you a Fenian?—A Fenian? No.

22,641. Never were?—No.

22,642. Were you a member of the Irish Republican Brotherhood?—No.

22,643. Never were?—No.

22,644. Were you a member of any secret society?—No.

22,645. Never?—No.

22,646. (*Reading.*)

“Of the branch of the N. League, that was in my parish, how I succeeded in smashing it, together with some two others. But I told you all about that before and if you have the letter I then sent you you can better understand what kind of a man I am by reference to that letter.”

“It is what I wish to bring under your notice now is the Parnell Commission or trial. There are a great many witnesses sumond from this county of Kerry who instead of being of any use to the times will be a great injury. There are two sumoned from my parish. Their names are John M'Cauliff and John Culloty who avoud their intention of not healping the times in no measured tearms. They are booth wonded men, one lost a hand and the other a leg, but they want to get poplar now and they don't mind what they will sware to please the people round about them at home.

“There are many others who could and would give good evedence are not summoned at all.

“I am willing to give evedence at the Commison if I am summoned in the regular way. I can give some important evidence. With regard to Mr.

“Timothy Harington, M.P., it is about something he said and Paid for in 81.”

Now what was the date that was in that letter originally. [*The letter was handed to the witness.*] ?—1881, I think.

22,647. What is it, now?—It is 1881.

22,648. What was it originally?—Oh, there was a “2” wrote by mistake.

22,649. When was it altered?—I altered it.

22,650. When you wrote the letter, you mean?—Yes.

22,651. Very well, give it to me back. Then it was originally 1882, and you have altered it to 1881. Is that what I am to take?—Yes.

22,652. Then I am to take this as meaning 1881?—Yes.

22,653. How did you come to write 1882 originally?—Oh, well, when I put down the figure I did not think at the time what time it was.

22,654. Have you seen this letter since you sent it to the Loyal and Patriotic Union?—Not till now.

22,655. Till this moment?—Yes.

22,656. Till this morning?—Yes, till in the Court.

(*Reading.*) “I can also give a good deal of information about the workes of other leaders of the national moovement some 3 or 4 years since.”

22,657. Who were they? Who were the other leaders of the national movement?—Oh, I meant the committee men of the Castleisland National League Branch.

22,658. You call them leaders of the National movement, do you?—Well, I did in a way.

22,659. Did you mean the Loyal and Patriotic Union to understand that when you said you could give information about the works of other leaders of the National movement?—Well, I did not know how they would understand it.

22,660. Or did you wish to magnify your own importance?—Oh, I did not.

(*Reading.*) “Some 3 or 4 years since. I am sure my evedence would be of more use than that of those that swore to their friends & neighbours before the left that they would not do anything that would damage the national cause. I would have offered my services before now but I did not wish to be wating so long in London & also I did not know to who I would apply so I

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

"tought I would let you know & let you act as you please; send this letter to the times or tell them any other way to summon me at once.

"I remain, yours respectfully

"THOMAS CONNOR."

That is the letter.

(*The Attorney-General.*) I think there is a postscript.

(*Sir C. Russell.*) Oh, yes.

"Please note address, Thomas Connor Inchicumer, Scartaglin, P.O., Co. Kerry, Ireland.

"N.B.—This would be the address that would be most likely put on the summons: Thomas Connor, Inchicumer Barony of Throughtienockmey, Petty Sessions, District of Castleisland and Parish of Killeentierna.

"To the Secretary of the Irish Loyal and Patriotic Union."

Now, I will read this other statement;—

"I am now aged 30 years of age. Am the son of John Connor, farmer."

Before I read this I should just like to make it clear. You say that a statement was taken down which was altered from time to time. I do not know the exact expression you used.

(*The President.*) I think the expression was now and again.

(*Sir C. Russell.*) Yes, some such expression as that.

22,661. And then it was read over to you?—Yes. That one was not read over to me.

22,662. Which one?—The statement you have in your hand now.

22,663. But did not this purport to be a copy of the statement you had made?—It is not a correct copy.

22,664. Well, we will require the original of that.

(*The Attorney-General.*) Certainly, the one signed by him.

(*Sir C. Russell.*) No, no, please.

"I am now aged 30 years of age. Am the son of John O'Connor, farmer, of same place, with whom I live. On Sunday, 10th October 1880, a demonstration was held in the town of Castleisland at which Messrs. A. O'Connor, M.P., and J. Biggar attended and spoke on that occasion. These gentlemen formally declared the Castleisland Branch of the Land League to be established, meetings were held."

22,665. Tell me when I come to anything which you say is not correct?—But I have not understood. I have sworn to what is in that. Do you understand me to have sworn to what is in that?

22,666. I really do not very well know. I understood this was a copy of the statement which had been taken from you?—But I did not swear to the statement.

22,667. It is headed "The statement of Thomas O'Connor of Inchincummer, Scartaglin, County Kerry." I am asking you to stop me when there is anything which is not correct:

"Meetings were held in the main street of Castleisland on the following and subsequent Sundays for the purpose of enrolling members and receiving subscriptions. No other business of any importance except the appointment of officers was transacted for about a month. I joined the branch the first or second Sunday after the demonstration alluded to. The subscription for farmers were assessed at 3*d.* per pound on their valuations. Labourers and young men gave what they could from a shilling up. When the branch got fairly started (about the middle of November) the business was deciding what deductions in rent should be demanded from landlords, when the reduction on any particular estate was settled on, the tenants were pledged to act in a body in paying the rent and insisting on a reduction. This went on for a little while, but it was found did not hold together, some going and paying their rent independent of the main body and the demands for reductions were therefore not successful."

"(After the general meetings the committee of the branch held private meetings in another room.)

"The conduct of those who paid behind backs was discussed, and they were spoken of as vile things not fit to walk the ground, and should be banished as Saint Patrick banished the serpent. I was aware, and it was generally known,

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

" that there was an inner body spoken of among the branch generally as ' the
 " boys.' Those who paid their rent now began to be denounced by name and
 " resolutions. Within the next week or fortnight their houses were entered by
 " bodies of armed men, either beat them with sticks or guns, and made them
 " go on their knees and swear not to pay their rent, except as had been arranged."

You are to understand that I only heard that—what you are reading just now—that part.

22,668. Very well.

" I remember Hugh O'Connor, Coolnageragh, tenant of W. H. A. Herbert,
 " of Muckross, and two men named Flynn, of Coolnageragh, tenants I think of
 " Lord Ventry, being so visited. All these raids did not appear in the police
 " reports, or in the newspapers, as unless the police heard of the matter by
 " accident the people were afraid to tell them, being sworn not to do so, and
 " informing the police."

—I only heard they were sworn. I did not see them sworn. You are to understand that I only heard that.

22,669. I quite understand:—

" I was invited to join ' the boys.' "

(The Attorney-General.) I think there is some sentence not quite finished.

(Sir C. Russell):—

" They being sworn not to do so and informing the police incurring another
 " visit with severer chastisement.

" I was invited to join ' the Boys ' in December 1880. For some time
 " previously some of ' the Boys ' had been speaking to me and telling me what a
 " proud thing it was to be a soldier of Parnell's and of Ireland, and what a nice
 " thing it was to be getting pay for doing next to nothing. I was informed some
 " were sworn in, but I was not, I was simply shown into a room where there was
 " no one but the secretary, Timothy Horan, now dead, by John O'Connor of
 " Gurtglass, and George Twiss of Cool. Twiss said to the secretary, ' Tim, this
 " ' fellow is all right, and we need him in this district, there is no one there
 " ' as yet.' The secretary said in reply, ' Alright,' we then left."

22,670. Up to this point is there anything wrong?—No, I believe not.

22,671. It seems almost word for word with your evidence to-day:

" The first expedition I was engaged in was reinstating Mrs. Horan of
 " Mullin or Ardravill in a farm from which she had been evicted by some
 " Maurice O'Connell " ?

—I do not know whether it was Maurice or James.

22,672. Do not trouble yourself about trifles.

" and which had been taken by a man named Edmund Brown. What we did
 " was to fetch Mrs. Horan from where she was living back to her old house, with
 " some furniture. Break open the door and make a fire; she was warned at her
 " peril not to leave again except at the point of a bayonet. There were between
 " 30 and 40 engaged in this. Many of them I did not know. About 15 were
 " armed with their guns or revolvers. Timothy Horan paid me 6s. for this. He
 " paid 9 or 10 others the same amount in my presence " ?

—About the same amount. I am not sure.

22,673. You are not quite sure to a sixpence or so?—No.

22,674. Very well. There is nothing like being accurate:

" Twiss was the captain on the occasion.

" Another expedition I remember being engaged on shortly after was warning
 " the tenants on Mr. Richard Meredith's estate not to pay their rents, except at
 " Griffith's valuation; where 15 of us were engaged in this expedition. We were
 " all armed with guns, and bayonets, and revolvers, and disguised. We did no
 " bodily harm on the occasion; merely breaking open the doors of those who did
 " not admit us at once, and firing shots by way of terrorising them. The captain
 " on this occasion was Thomas Rourke. He had been a short time in the police
 " force. I got 2s. 6d. on this occasion from Horan, and about a week afterwards,
 " 15s. This raid was some time in the spring of 1881."

22,675-6. Is there anything wrong up to this?—I think not.

(Sir C. Russell.) I want to finish this, and then ask your Lordship to allow me to postpone my further cross-examination:—

4 Dec. 1883.]

THOMAS O'CONNOR.

[Continued.]

"About this time, viz., in or about March, 1881, Mr. Timothy Harrington
"came to Killientierna. or Currow ——"

22,677. Are Killientierna and Currow together. Are they the same place?—Yes, one and the same place, known by the two names.

22,678. "And went amongst the people at mass, and told them he wanted them
"to return an advanced Land Leaguer to represent the parish in the Killarney
"Board of Guardians. After mass he made a public speech, telling them it
"was a shame to have the landlords strapper and lick-plate representing them.
"The person referred to was Mr. Richard Burke, an agent, or under-agent, of
"Mr. Richard Meredith. He denounced anyone who would vote for Burke.
"Someone in the crowd called for cheers for Burke, which were heartily
"responded to. Mr. Burke then spoke, and Harrington spoke again. Mr.
"Harrington, when the meeting was over, spoke to me and two or three others
"and said he was afraid Burke would be elected. We said we thought so, and he
"said he would not wish it for 200l. Harrington then said there was only one
"way for it, that was for three or four of us to go round to the people at night
"and get them to sign the votes for his man, viz., Jeremiah McSweeney, and
"that those who would not sign we were not to spare, but were not to kill any
"any of them dead. He told us we could name our own here. He told us to go
"to Castleisland"?

—To come with him.

22,679. No, "he told us to go to Castleisland"?—Well, that is not right.

22,680. What do you say?—That is not right. I object to that.

22,681. What is the objection to it? Do you mind standing up, Sir?—Saying, telling us to go to Castleisland.

22,682. He did not tell you to go, did he?—No, but to come. To come to the town at that time.

(*The Attorney-General.*) It is important. You will find the correction is a material one.

(*Sir C. Russell*):

"He told us to go to Castleisland and he would send two or three men from
"that town to assist us. He warned us to keep sober, lest we should do
"something foolish. We canvassed as directed, but had no need of resorting to
"violence. We were armed with revolvers. We had only to visit two men who
"held out, the others having signed for the man that Harrington had sent round
"during the day. Mr. Sweeney was elected. He was Vice-President of the
"League in Castleisland. I and one of the men Thomas Brennan."

I think it is. I suppose it means Brosnan, but it is Brennan I think here.

(*The Attorney-General.*) I quite agree.

22,683. (*Sir C. Russell.*) Was there any Thomas Brennan?—No, Brosnan.

22,684. "Called on Harrington in Tralee for our pay. He said he had not got it
"then, but would send it to us in a week or two."

Is that true?—No, that is not what he said.

22,685. That is not correct?—It is not correct. He said that it was a shame for us, and to be off and that he had not it anyway.

22,686. He was ashamed of you and to be off.

"On the following Sunday a young man whom we did not know called on us
"in Castleisland and cautioned us not to annoy Mr. Harrington any more.

"'The boys' were an inner circle of the Land League. No one was admitted
"to it except he had first joined the League. The way in which outrages were
"originated was as follows:—After the general meeting of the branch, the com-
"mittee retired to another room. The captains of 'the Boys' remained hanging
"about the place."

How does it come that there is no statement here of the 7l. which you say was given to you?—I don't know.

22,686a. You and Brosnan. How does that happen?—I don't know. I told you at the start that those statements were not the same.

22,687. I wish to know, first of all, do you swear you told Mr. Walker in Dublin that you had received 7l., you and Brosnan between you?—Do I swear did I tell that to Mr. Walker, is it; is that what you are asking me?

22,688. That is my question?—I do.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

22,689. In Dublin?—I told him so, in Dublin.

22,690. Where was your evidence taken?—In an office.

22,691. In Eden Quay?—No, in Grafton Street.

22,692. At the office of the Loyal and Patriotic Union?—Yes.

22,693. Who were present at the time you gave your evidence besides Mr. Walker?
—Well, another gentleman.

22,694. Who?—I don't know.

22,695. (*Sir C Russell (reading)*) :—

“ The captains of ‘ the Boys ’ remained hanging about the place. After some time the committee would come out and speak to the captains, who then came and told us what they were directed to do.

“ From March 1881 on I avoided on various pretexts taking any further part in raids, and in June 1882 I went to America, where I stayed till December of the same year. I joined the Castleisland branch on my return as an ordinary member. But I did not take any interest in the proceedings. In 1885 a branch of the League was started at Currow, of which I was secretary. It was often suggested that an inner circle of ‘ Boys ’ should be formed in connexion with it. I opposed the idea. The branch existed only for about six weeks as an active body.

“ The Sunday preceding the date on which Culloty was shot his action in accompanying the bailiffs to point out the houses of three men who were to be served with writs was discussed at the general meeting of the Castleisland branch. The committee retired to their room, accompanied by Father O'Callaghan. On coming out again Father O'Callaghan said Culloty was an ugly man, that everybody knew it, and that he would soon be uglier, and that Brosnan would soon have satisfaction.”

Now, what other mistakes are there in that statement; what were the mistakes in this statement?—Well, wherever a mistake was I told you it.

22,696. What are the false statements, if any, in what I have read out to you?—I do not think there is any.

22,697. Well, is there any?—There is not any direct false statement, but —

22,698. But what?—But there are paragraphs that are not worded the same way.

22,699. Is there any substantial difference between the account that you gave to Mr. Walker at the Loyal and Patriotic Union offices?—Not in that statement.

22,700. Listen—and the statement which I have read to you?—No.

22,701. There is no substantial difference?—I think not.

22,702. Then what did you mean by saying as you did early in my cross-examination that this statement was not correct?—Well, I think it is not.

22,703. In what respects?—Well, it is better than I thought it was. I did not think it was so good.

22,704. Oh, it is better than you thought it was. You did not think it was so good. Well, but you read it this morning?—I did it careless. I did not read at all, I believe.

22,705. It was brought to you this morning by Mr. Walker?—Yes.

22,706. Who told you to read it over?—Yes.

22,707. Who told you you were going to be examined to-day?—Yes.

22,708. Was he there when you read it over?—No.

22,709. Did you tell him there was anything wrong in it?—No, I did not.

22,710. Is there anything wrong in it?—Well, I think not.

22,711. Then I am to take it that this is substantially the statement in every substantial particular that you made in Dublin—aye or no?—Well, as far as it goes it is.

22,712. Is there anything in that statement which you did not say?—I think not.

22,713. Is there anything that you did say which is not in the statement that is material?—I think I said there is not anything about the secretaryship of the Currow branch in that, is there.

22,714. Very well; we will see?—That is in some statement, and I think it is not in that.

22,715. You mean that you acted as assistant secretary?—Yes.

22,716. Is there any other statement that you made on any material point that is not in this statement?—No, I do not remember that there is.

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

(*Sir C. Russell.*) My Lord, I now renew my application to further cross-examine this witness.

(*The President.*) It stands thus. If I am to take it that you have cross-examined now as far as you are able to do upon the instructions you have received.

(*Sir C. Russell.*) I have not one word of instructions. I never heard of the man's name before so far as I am aware.

(*The President.*) Then it appears to me if you hereafter come and say there is something which you desire to cross-examine him upon which you had not an opportunity of doing to-day, you ought to be heard.

(*Sir C. Russell.*) Certainly. One word before your Lordships adjourn.

22,717. Where did you live in America?—Where did I live there?

22,718. Do not repeat my questions, but answer?—Well, ask me again then. I did not hear it.

22,719. Why, you repeated it, Sir. I asked where did you live in America?—In the city of Indianapolis.

22,720. Where?—152, Milk Street.

22,721. Did you live there the whole of the interval between leaving this country in June of 1882, and returning to this country in December 1882?—Excepting 10 days I stayed in New York.

22,722. Where did you stay in New York?—16 or 17, Albany Street, I do not remember which.

22,723. 16 or 17?—Yes, or 16½, Albany Street, New York.

22,724. What was your business in America?—In a freight house, as a freight handler.

22,725. You mean as a flour sack handler?—General freight handler, like the railroad porters here.

22,726. Were you with a railway company?—Yes.

22,727. At Indianapolis?—Yes.

22,728. In the employment of the railway company?—Yes.

22,729. For that period, excepting 10 days?—Yes.

[Adjourned for a short time.]

(*Mr. Lockwood.*) At the present moment I do not see my friend Mr. Reid here. I know he wishes to say something with regard to this, and he will be here in a moment.

(*The Attorney-General.*) Just to occupy the time till Mr. Reid comes, we should like to know what counsel appears for Mr. Harrington. I understood Mr. Lockwood appeared for all the others but Mr. Parnell.

(*Mr. Lockwood.*) I do not know how my friend knew that.

(*The Attorney-General.*) I say I understood that.

(*Mr. Lockwood.*) My friend, Mr. Reid, appears.

(*The Attorney-General.*) I beg your pardon, I apologise. Then, will you go on first?

(*Mr. Lockwood.*) At present I have nothing to ask this witness. I join, as far as it is necessary for me to join, in the application made by my friend Sir Charles Russell.

(*The Attorney-General.*) Let us understand where we are; if you take the same position you do not wish to cross-examine him any further on his present evidence.

(*Mr. Lockwood.*) Exactly, at the present time. I do not know why my friend calls upon me; in the absence of Sir Charles Russell I repeat what Sir Charles Russell said.

(*The President.*) I have only to repeat what I said to Sir Charles Russell. I take your word for it that you are not in a position to cross-examine him further than Sir Charles has done, and if you make an application to cross-examine him hereafter it will be on some matter you have not had an opportunity of dealing with now.

(*Mr. Lockwood.*) If necessary, I will repeat what Sir Charles Russell has already said, and I do repeat it. I have no instructions whatever as to this witness.

(*Mr. R. T. Reid.*) As I specially represent Mr. Harrington, I consider that I have got a peculiar and special grievance. I submit that this matter ought to have been put in the particulars, because if there is any meaning in particulars this is a matter

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

which ought to be put in. Under these circumstances I ask your Lordship's permission to defer the cross-examination.

(*The Attorney-General.*) With great deference, the allegations and charges were in the particulars. No particulars could either have the person's name in, or that they were witnesses to a particular fact. This has been referred to more than once. The evidence the witness has given is in support of the general allegations.

(*The President.*) Then, Mr. Reid, may I take it that you do not desire to add anything to the cross-examination of Sir Charles Russell?

(*Mr. R. T. Reid.*) There are some matters that I should like to ask, but of course I would prefer postponing them and asking them altogether.

(*The Attorney-General.*) I think the extent to which you wish to ask you ought to ask now.

(*Mr. R. T. Reid.*) That is for my Lords to say.

(*The President.*) I put it to you as I did to Sir Charles Russell. I think to the extent that you are instructed, you ought to cross-examine now. Then if you tell us when you get to the end of what you can put, upon your present instructions, it can stand over.

(*Mr. R. T. Reid.*) My instructions are, that the thing is a fabrication as far as Mr. Harrington is concerned.

(*The President.*) That is a compendious way of putting it.

(*The Attorney-General.*) If it is a fabrication you can cross-examine him.

(*Mr. R. T. Reid.*) I will ask a few questions, if your Lordships think proper under those circumstances.

Cross-examined by Mr. R. T. REID.

22,730. You said, I think, that you gave a statement to the police?

(*The President.*) Mr. Reid, I do not think you ought to be pressed on this matter, and if you strongly desire it should stand over altogether, I think it ought to.

(*Mr. R. T. Reid.*) I do earnestly desire. I am obliged to your Lordships.

(*The Attorney-General.*) Probably my friend would indicate that so far as general cross-examination (anything which did not depend upon special information, which of course I understand your Lordships have given permission for) he will cross-examine upon to-morrow morning.

(*Mr. R. T. Reid.*) Will you allow me to put my point. The solicitor who is instructing me is residing in London. The charge is a direct instigation to outrage of a very serious character. Kerry is at least a day's post or two days.

(*The President.*) I think it must stand; that would not be giving sufficient time.

(*The Attorney-General.*) My observation only went so far as Mr. Harrington was concerned, who is present and with whom communication could of course be made by Mr. Reid—the special matter mentioned by Mr. Reid himself is different.

(*The President.*) Of course I had that fact in my mind when I spoke of the means of information that exist at present. Mr. Harrington is of course there and could give you information, but I think it would be inconvenient as we are of opinion that Mr. Reid is entitled to a delay to split the cross-examination into two parts, and therefore it may stand over for that which is called a reasonable time.

(*Mr. R. T. Reid.*) Which is the most uncertain time.

(*The Attorney-General.*) Do you cross-examine Mr. Davitt.

(*Mr. Davitt.*) I suppose I may make the same application, my Lords.

(*The President.*) Yes, but I say to you, Mr. Davitt, of whom I must say, that you have never wasted a moment's time—that it does not apply to you personally. I do not know what you have specially in your mind, but it appears to me that you might safely leave it to those who are personally concerned.

Cross-examined by Mr. BIGGAR.

22,731. Your answer, I think, was that the reduction spoken of in the Land League was 15 to 20 per cent.—Yes, and more sometimes.

22,732. That is not what you swore before—you did not say anything about "more" in your former evidence. Do you know as a matter of fact that the reductions in the

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

Land Court have exceeded 15 or 20 per cent. in the general way where judicial rents have been fixed in that neighbourhood?—They average about 20, I think, in that neighbourhood.

Re-examined by the ATTORNEY-GENERAL.

22,733. You wrote that letter in November last to the Secretary of the League, with the statement therein contained. You have been asked by Sir Charles Russell whether you have been promised any money or expected any money. Have you ever asked for any money beyond your expenses?—No.

22,734. Or had any promise, direct or indirect, of any returns for giving your evidence?—No, I did not even ask my expenses, but I understood the expenses would be given.

22,735. Just look at this other statement, which is your statement. Turn the pages over—do you see every page of it signed by you? (This is the Dublin statement, my Lords, to which I referred.) You will see your name at the bottom of it, I think. Is that the statement that you signed in Dublin (*handing same to witness*)?—It is.

22,736. Just one moment before I read it—will Mr. Walker stand up. (*Mr. Walker stood up in Court.*) Did you give that statement to that gentleman, Mr. Walker?—I did.

22,737. I do not know whether your Lordships wish to follow the other one. I had better read it perhaps straight through, it supplies certain matters to which this witness refers and is the statement taken in Dublin. The other one was a copy made for us.

(*The President.*) Is there anything in it?

(*The Attorney-General.*) May I be trusted to supplement it—it all can go on the notes. On the second page is the first thing I notice, “Labourers and young men gave what they could, from a shilling up; I paid 2s. or 2s. 6d.” That is not the statement that was read by Sir Charles.

(*The President.*) The most important part is about the seven pounds.

(*The Attorney-General.*) I was only taking it in the order that it came. If your Lordship will pardon me, I will go to it at once. I have not the least wish not to go to it at once. There is one point about joining the Boys; your Lordship will remember the passage about being a soldier of Parnell's.

(*The President.*) Yes.

(*The Attorney-General.*) “I was informed some were sworn in but I was not. I understood they were more particular at first as to swearing them in, but afterwards dropped this merely satisfying themselves as to a man's connexions. I was simply taken into a room where there was no one but the secretary, Timothy Horan, now dead, by John O'Connor of Gurtglass and George Twiss of Cool. Then on the fifth page “about 15 were armed with either gun or revolver. Timothy Horan paid me 6s. for this. He paid nine or ten others the same amount in my presence. Twiss was the captain on this occasion. After this I remember getting a revolver from Timothy Horan. I went into him with two or three others—John O'Connor, George Twiss, and Thomas Burke. They said to Horan This fellow hasn't any yet. We can't give it to him and he would want it up there. Horan then said, ‘In that case I will give you one, though I don't wish to.’ He then went upstairs and brought down a revolver which he gave to George Twiss. Twiss then and there handed it to me. On the way down Twiss gave me 40 or 50 rounds of ammunition.” That comes just after the expedition to Horan's house. He said he was not armed, if your Lordships remember, at the time of going to Mrs. Horan's. Then on the point to which your Lordship directed my attention. I will read how it comes in:—“McSweeney was elected. He was vice-president at the League in Castleisland. I and another of the boys who had gone round, viz., Thomas Brosnan, called on Timothy Harrington in Tralee for our pay. He said he had not got it then, but would send it to us in a week or two. The following Sunday, a young man, whom we did not know, called on us in Castleisland and paid us seven pounds, and he cautioned us not to annoy Mr. Harrington any more. The Boys were an inner circle,” and so on as in the statement. And then, my Lords, I must read the last passage, because it is in this statement and not not in that copy which Sir Charles had handed to the man. “During the time I was secretary of the Currow Branch,

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

“ an application was made from the branch to the central branch in Dublin, for a grant for three evicted tenants, namely, Mrs. Russell, a widow on Mr. Coltsman's estate, Mary Butler, a tenant on Mr. R. Meredith's estate, and Michael Reardon, a tenant on the estate of Hawtrey Andrews, and others. Mr. Harrington, the secretary of the central office, replied on official note paper, saying ‘the district was too disturbed, and they must refuse the grant.’ By the same post in a separate envelope on plain paper I received another letter from Mr. Timothy Harrington, marked ‘private,’ in which he said his real reason for refusing the grant was that the district was too quiet, and that dull as it was, if there were only six or eight good fellows in the place, they could set it in a blaze. He said, of course I would understand I was not to read this letter to Father Fitzgerald or the other lethargic members of the branch. Father Fitzgerald was president. The district was then very quiet. I have not these letters.” Then follows the passage about Cullotty being shot, and Father O'Callaghan saying he was an ugly man. Probably your Lordships would think it better that the complete statement should be put on the notes, so that it can be referred to by anybody.

[The document was handed in and was as follows] :

“ The Special Commission Act, 1888.

“ I, Thomas O'Connor, of Inchincummer, Scartaglin, in the county of Kerry in Ireland, aged 30 years, make oath and say as follows :—I am the son of John O'Connor of Inchincummer aforesaid, who is a farmer, and with whom I live. I am unmarried. I remember Saturday 10th October 1880. I was present at an open air demonstration held on that date in the town of Castleisland, county Kerry, at which Messrs. Arthur O'Connor, M.P., and Joseph S. Biggar, M.P., attended, and spoke. They on that occasion formally declared the Castleisland branch of the Land League to be established. There was no branch of the League there before. Meetings of the branch were held at a house in the main street of Castleisland on the following and subsequent Sundays, for the purpose of enrolling members and receiving subscriptions. No other business of any importance beyond the appointment of officers was transacted for about a month. I joined the branch the first or second Sunday after the demonstration above alluded to. The subscription for farmers were assessed at 3*d.* in the £ on their valuation. Labourers and young men gave what they could, from one shilling up. I paid 2*s.* or 2*s.* 6*d.* When the branch got fairly started (about the middle of November), the first business was deciding what reductions in rent should be demanded from landlords. When the reductions on any particular estate was settled on the tenants were pledged to act in a body in paying the rent and insisting on a reduction. This went on for a little while, but it was found tenants did not hold together, some going and paying their rent independent of the main body, and the demands for reductions were therefore not successful. The conduct of those who paid behind backs was discussed at the weekly meetings and they were spoken of as ‘vile things not fit to walk the ground’ and should be banished as St. Patrick banished the serpents. I was aware, and it was generally understood and known, that there was an inner body spoken of among the branch generally as ‘the Boys.’ Those who paid their rents now began to be denounced by name in resolutions. Within the next week or perhaps fortnight after the resolutions were passed their houses were entered by bodies of armed men at night, who either beat them with sticks or guns, and made them go on their knees and swear not to pay their rent except as had been arranged. I remember Hugh O'Connor of Coolnageereh, tenant of Mr. H. A. Herbert of Muckross, two men named Flynn and Cool, tenants of, I think, Lord Ventry being so visited! All these raids did not appear in the police reports or in the newspapers, or unless the police heard of the matter by accident the people were afraid to tell, they being sworn not to do so, and being told that informing the police would incur another visit with severer chastisement. I was invited to join the Boys in December 1880. For some time previously some of the Boys had been speaking to me and telling me what a

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

“ proud thing it was to be a soldier of Parnell's, and of Ireland, and what a nice
“ thing it was to be getting pay for doing next to nothing. I was informed some
“ were sworn in, but I was not. I understood they were more particular at first
“ as to swearing them in, but afterwards dropped this merely satisfying them-
“ selves as to a man's connexions. I was simply taken into a room where there
“ was no one but the secretary, Timothy Horan, now dead, by John O'Connor, of
“ Gurtglass, and George Twiss, of Cool. Twiss said to the secretary, 'Tim, this
“ ' fellow is all right, and we need him in his district; there is no one there as yet.'
“ The secretary said in reply, 'All right.' We then left. The first expedition I
“ was engaged in was reinstating Mrs. Horan, of Mullan, or Ardraville, in a farm
“ from which she had been evicted by Sir Maurice O'Connell, and which had been
“ taken by a man named Edmund Browne. What we did was fetch Mrs.
“ Horan from where she was living back to her own house, with some furniture,
“ break open the door, and make a fire. She was warned at her peril not to
“ leave again except at the point of the bayonet. There were between 30 and 40
“ engaged in this. Many of them I did not know. About 15 were armed with
“ either gun or revolvers. Timothy Horan paid me 6s. for this. He paid 9 or
“ 10 others the same amount in my presence. Twiss was the captain on this
“ occasion. After this I remember getting a revolver from Timothy Horan. I
“ went in to him with two or three others—John O'Connor, George Twiss, and
“ Thomas Burke. They said to Horan, 'This fellow hasn't anything yet. We
“ ' can't give it to him, and he would want it up there.' Horan then said, 'In
“ ' that case I will give you all, though I don't wish to.' He then went upstairs
“ and brought down a revolver, which he gave to George Twiss. Twiss then
“ and there handed it to me. On the way down Twiss gave me 40 or 50 rounds
“ of ammunition. Another expedition I remember being engaged in shortly after
“ this, was warning the tenants on Mr. Richard Meredith's estate not to pay their
“ rent except at Griffith's valuation. There were 15 of us engaged in this
“ expedition. We were all armed with guns and bayonets or revolvers, and
“ disguised. We did no bodily harm on this occasion, merely breaking open the
“ doors of those who did not admit us at once, and firing shots by way of terrorising
“ them. The captain on this occasion was Thomas Bourke. I got 2s. 8d. on this
“ occasion from Horan, and about a week afterwards 15s. This raid was some time
“ in the spring of 1881. About this time, namely, in or about March 1881, Mr.
“ Timothy Harrington came to Killecterna or Currow and went among the
“ people at mass and told them he wanted them to return an advanced Land
“ Leaguer to represent the parish in the Killarney Board of Guardians. After
“ mass he made a public speech . . . telling them it was a shame to have the
“ landlord's strapper and lickplate representing them. The person referred to
“ was Mr. Richard Bourke, an agent or under-agent of Mr. Richard Meredith.
“ He denounced anyone who would vote for Mr. Burke. Someone in the
“ crowd called for cheers for Burke, which were heartily responded to. Mr.
“ Burke then spoke, and Harrington then spoke again. Mr. Harrington when the
“ meeting was over, spoke to me and two or three others, and said he was afraid
“ Burke would be elected. We said we thought so, and he said he would not
“ wish it for 200l. Harrington then said there was only one way for
“ it, that was for three or four of us to go round to the people at
“ night, and get them to sign the votes for his man, viz., Jeremiah McSweeney,
“ and that those who would not sign we were not to spare but we were
“ not to kill any of them dead. He told us we could name our own
“ hire. He told us to come to Castleisland and he would send two or three
“ more from that town to assist us. He warned us to keep sober, lest we should
“ do something foolish. We canvassed as directed but had no need for resorting
“ to violence. We were armed with revolvers. We had only to visit two men
“ who held out, the others having signed for the man that Harrington had sent
“ round during the day. The men who went round during the day told the
“ people on whom they called that they must put in the League's man, and that
“ if they did not sign they might expect a visit from Castleisland, meaning the
“ Boys. I heard one man, Joseph Murphy, tell the people this. I went with him
“ to several houses; McSweeney was elected. He was vice-president of the League

4 Dec. 1888.]

THOMAS O'CONNOR.

[Continued.]

“ in Castleisland, I and another of the Boys who had gone round, viz., Thomas Brosnan, called on Timothy Harrington in Tralee for our pay. He said he had not got it then but would send it to us in a week or two. The following Sunday a young man whom we did not know called on us in Castleisland and paid us seven pounds and he cautioned us not to annoy Mr. Harrington any more. The Boys were an inner circle of the Land League. No one was admitted to this inner circle unless he had first joined the League. The ‘Boys’ were the same body as came afterwards to be known in public as ‘moonlighters.’ The way in which outrages were got up was as follows:—After the general branch meeting the committee retired to another room. The captains of the Boys remained hanging about the place. After some time the committee would come out and speak to the captains, who then came and told us what they were directed to do. From March 1881 I avoided taking any further part in raids, making different excuses when asked to join, and in June 1882 I went to America, where I stayed till December of the same year. I rejoined the Castleisland branch on my return as an ordinary member, but did not take much interest in the proceedings. In 1885 a branch of the League was started at Currow, of which I was secretary. It was often suggested that an inner circle of ‘Boys’ should be formed in connexion with it. I opposed this. The branch lasted only about six months as a working body. During the time I was secretary of the Currow Branch an application was made from the branch to the Central Branch in Dublin for a grant for three evicted tenants, namely, Mrs. Russell, a widow on Mrs. Coltsman’s estate, Mary Butler, a tenant on the estate of Hawtrey Andrews, and others. Mr. Harrington, the secretary of the Central Office, replied on official notepaper, saying the district was too disturbed, and they must refuse the grant. By the same post in a separate envelope, on plain paper, I received another letter, from Mr. Timothy Harrington, marked ‘private,’ in which he said his real reason for refusing the grant was, that the district was too quiet, and that, dull as it was, if there were only six or eight good fellows in the place they could set it in a blaze. He said of course I would understand I was not to read this letter to Father Fitzgerald or the other lethargic members of the branch. Father Fitzgerald was President. The district was then very quiet. I have not these letters. I remember John Culloty being shot in April 1882. I was at the meeting of the Land League branch in Castleisland when his action in accompanying the bailiffs to point out the houses of three men who were to be served with writs was discussed. In the course of the proceedings the committee retired to another room. On coming out again, Father O’Callaghan, one of the committee, said to the meeting that Culloty was an ugly man, that everybody knew it, and that he would soon be uglier, and that Brosnan would soon have satisfaction.”

“ THOMAS CONNOR.”

22,738. (*The Attorney-General.*) In that statement that I read, and in the statement that Sir Charles Russell read, you referred to a man, Thomas Brosnan, the man that went round to the voters with you that night?—Yes.

22,739. Where was his address? Where did he live at this time?—Ballybeg, near Killintiera.

22,740. Is that in the same parish?—Yes.

22,741. Is he there still?—No, I think not.

22,742. Do you know where he is now?—I [should think he is in America, New York, I think, may be.

KATE FITZGERALD sworn; examined by Sir H. JAMES.

(*Sir H. James.*) This is the mother of the witness we called in Hegarty’s case, when we broke off. I will take it very shortly, with your Lordships’ permission.

22,743. You are the mother of Helen Fitzgerald?—I am.

22,744. She lived with you?—Yes.

22,745. Before June 1881 did you deal with Mr. Hegarty?—Yes.

22,746. In Millstreet?—Yes.

4 Dec. 1888.]

KATE FITZGERALD.

[Continued.]

22,747. I will give you the date of the 10th of June 1881; did some men come to your house at night?—Yes.

(*The President.*) There was no cross-examination about this?

(*Sir H. James.*) I do not think there was.

22,748. I believe the men broke open the door, and did they swear you?—Yes.

22,749. What did they swear you to do, or not to do?—Not to have any dealings with Mr. Hegarty.

22,750. I believe that you did go on dealing with Mr. Hegarty?—I am, every day.

22,751. Did some men come to you a second time three or four months after the first time?—Yes.

22,752. Tell me very shortly what did they do to you. We have heard about your daughters; what did they do to you?—They wanted to cut the hair off the daughters.

22,753. That we have heard of; what did they do to yourself?—Well, I went out to prevent them cutting the hair off my daughters' heads, and one of them struck me a blow with a gun on my forehead (*pointing to her forehead*).

22,754. Where you have pointed out on your head?—Yes.

22,755. And I believe you were a good deal hurt, and fell down?—I did not feel it till the blood all came down on my dress.

DANIEL SWEENEY sworn; examined by Sir H. JAMES.

22,756. In the year 1881 were you a caretaker in the employ of Mr. Hegarty?—Yes.

22,757. Were you in charge of a farm at a place called Kippa?—Yes.

22,758. In April of this year? On the 17th of April did some men come to your house at night time?—Yes.

22,759. How many men?—Three, outside the door I see them. I did not see them inside the house.

22,760. You saw them outside?—Yes.

22,761. Was that about one o'clock in the morning?—I could not tell; I had fallen asleep, but there was a good deal of the night gone after 11, I don't know how much; I was in bed, but I was asleep.

22,762. It was dark, and after you had been in bed?—Yes, I was called.

22,763. Did they call you out of the house?—The called me by my name to get up.

22,764. Did you get up?—I asked them what they wanted, and they said if I came they would not do anything to me.

22,765. Did you go outside?—I did not, only to the door; they said they did not want me out.

22,766. What did they tell you to do, if anything?—They told me to leave it.

22,767. To leave what?—Where I was.

22,768. Did they make you take any oath?—There was about that size—a little bit of paper, and I told them I had no way of living only with wages, and if I left it I should go to the workhouse, and they told me to go to bed again; and I was never visited since, and I have been there five years.

22,769. Then you had some police there to look after you, had you not?—Yes, they were there, I suppose; not for me.

22,770. Of course not, but where did they happen to put the police?—That was in his own farm.

22,771. That is where you were taking care?—Yes.

22,772. When did the police come there?—I think some time about the 1st of May; I am not sure, I think it was in May.

22,773. And I think these people came to you on the 17th of April?—That is the time they visited me.

22,774. And the police have been there ever since?—They were there whilst I was there, and I think they are yet there.

22,775. And they did not visit you again at night, did they, not after the police came?—No, never attempted me anywhere in the world since, while I was there.

22,776. Do you know a Mr. John Murphy, of Millstreet, or Mr. Murphy?—Yes, I am with him now.

22,777. He is a gentleman who has some horses and a van to move furniture?—Yes.

22,778. Did you apply to him?—I did, I hired with him.

4 Dec. 1888.]

DANIEL SWEENEY.

[Continued.]

22,779. Were you a caretaker at that time to Mr. Hegarty?—I was, and I am now.

22,780. Did Mr. Murphy lend you his horses at once, or tell you to go and get anything first?—I hired them over a month before—I left Mr. Hegarty on the 25th of March—I came to him.

22,781. Did Mr. Murphy send you anywhere before he would let you have his horses?—He did not.

22,782. Did you go anywhere?—He did not till I went to his house to carry away the horses.

22,783. When you went to his house did he send you anywhere then?—He said: Did I apply to the League; I said I did not, because I never was in that before, and knew nothing about it.

22,784. I am sorry to stop you for a moment. When he told you to apply to the League did you go and get a card from the League?—I went, and they asked me whether I was with Hegarty, and they told me to go where I liked.

22,785. And then you got Murphy's horses?—Of course I did, sir.

22,786. Did you get a card from the League?—I got no cards from them; I got liberty to go where I liked.

22,787. Who gave you the liberty to go where you liked?—I swear I do not know anything. He was a black man, I did not know him.

22,788. Was he a Cork man?—I think he belongs to Castleisland way; a black looking man.

22,789. Are there many of them about there? Did you know who he was?—I do not.

22,790. Was he a stranger?—Likely he was not, but I was only a caretaker.

22,791. What did the black man give you, if anything? Did he give you a card?—No, he told me I might do what I liked.

22,792. Did you go then?—Yes.

22,793. What did you get?—I got a card.

22,794. And did you get Murphy's horses after that?—I got them a long time before it; I got them every day I have wanted them.

22,795. Was it Mr. Murphy who told you to go to the League?—Yes, at first; and I did not know anything about it, and I do not know yet about it.

Cross-examined by Mr. REID.

22,796. I want to know, as I understand you got Murphy's horses before you saw the black man, is that true?—I did not, sir, I did not get them before I saw him.

22,797. You saw the black man first, and then got Mr. Murphy's horses?—Yes.

22,798. Where did you see this black man?—In a house; they call it the League room, but I was never before that inside it.

22,799. What did you go there for?—I went there to tell them I was removing.

22,800. Murphy told you to get a card, is that so?

(The President.) Yes, he said so.

(Mr. Reid.) I am sorry, my Lord, we do not hear what he says.

(The Witness.) I am a little bad in this ear.

(The President.) The substance of what I understood him to say, and which you would wish to ask him about, was that he applied to Murphy, and his expression was that he asked if he had applied to the Land League; then he seems to have gone to somebody and got a card.

22,801. (Mr. Reid.) You were taking care of a farm, you say, for Mr. Hegarty?—Yes.

22,802. When this attack was made on your house?—It was on Hegarty's house, not mine.

22,803. Was the farm a farm from which anyone had been evicted?—I do not understand.

22,804. The farm which you were taking care of at Kippa, was that a farm from which anyone had been evicted?—No, not anything like it; they were good neighbours round me as I ever had anywhere, and they are there at this moment.

22,805. This farm was simply one of Mr. Hegarty's farms?—Yes, sir.

4 Dec. 1888.]

DANIEL RIORDAN.

[Continued.]

DANIEL RIORDAN SWORN ; examined by Sir H. JAMES.

22,806. In 1881 were you acting as caretaker for Mr. Hegarty?—Yes, I was at the time that the Cullottys came to me. I cannot remember the date of the day, of course.

22,807. You say you were at the time the Cullottys came to you. Did some Cullottys come to you?—They did.

22,808. About same seven years ago?—They did, about seven years ago.

22,809. July 1881 is the date I am given. I believe they broke in two doors, and came into the house?—They did.

22,810. Were you in bed?—I was.

22,811. Did they pull you out of bed, and was a pistol fired?—They drew me out of bed.

22,812. What did they do to you?—They carried me downstairs, and then they was firing some shots all over the house.

22,813. Were you hurt at all?—No, I got a light skit of powder in the breast.

22,814. No ball struck you?—No.

22,815. Were you cut in the ear?—I got a light catch.

22,816. What do you call a little catch?—They did not do much harm.

22,817. What was it you were caught with—with a hand or a knife?—I suppose with a knife.

22,818. Did you bleed at all?—I did, indeed.

22,819. It was a light catch?—Very light.

22,820. Still you bled?—I did a good deal.

22,821. Did they put you on your knees?—They did.

22,822. Did they ask you to promise anything or swear anything?—They promised me nothing, only promised me to leave Mr. Hegarty.

22,823. What did they ask you to do, if anything; do you mean by that “they promised you”—that they made you promise?—Yes, sir, they did.

22,824. To leave Hegarty?—To leave Mr. Hegarty.

22,825. Was that when you were on your knees?—It was.

22,826. Was that after you had had the light catch in your ear, or before?—I think it was before it.

22,827. I believe since then the police have been taking care of you?—They are in the yard where I am living with Mr. Hegarty.

22,828. Where are the police?—I mean all the police—what few police are there. they are in the yard where I am living.

22,829. Did the man come to you once, or more than once?—They did, as I consider; about two men came and smashed all the windows of the house.

22,830. With the exception of your being caretaker for Mr. Hegarty, do you know any reason why you should have been so treated?—I could not see any reason to myself.

22,831. That you do not seem to think was sufficient?—No.

Cross-examined by Mr. Lockwood.

22,832. Where was this farm on which you were appointed caretaker?—I call it Clunhannan.

22,833. When were you put into that farm as caretaker?—Oh, something before that.

22,834. How long before?—Well, I consider about seven or eight months before.

22,835. Who had been the tenant—who was the tenant of the farm before you were put in as caretaker?—Mr. Hegarty, now and then, were the owner of the farm.

22,836. Who was on the farm as tenant?—Mr. Hegarty owned the land.

22,837. I want to know who was Mr. Hegarty's tenant?—He had no tenant, only he was occupying the place himself.

22,838. Had not a person been evicted from that farm?—Sir?

22,839. Were you put in as caretaker?—I was.

22,840. Just think. Had a person been evicted from that farm?—No, sir, he was not. Mr. Hegarty owned it.

22,841. You say Mr. Hegarty was not only the owner but the tenant?—He had the farm taken, but there was a man before him that had it, one Driscoll.

4 Dec. 1888.]

DANIEL RIORDAN.

[Continued.]

22,842. What is his name?—His name was Ted Driscoll; it would be Mr. Hegarty bought out the man.

22,843. Did not you give the name of Driscoll just now?—I did.

22,844. Was not he the tenant of the farm?—He was, before Mr. Hegarty got it.

22,845. Was not he the tenant of the farm?—He was not at the time the Moonlighters came.

22,846. (*The President.*) I gather Mr. Hegarty bought it?—Mr. Hegarty bought the farm from Driscoll.

22,847. (*Mr. Lockwood.*) When?—Some few years before this occurred.

22,848. Do you say Hegarty had had no tenant from the time he bought this up to the time you were put in as caretaker?—He had his own cattle there and he was keeping it on.

Cross-examined by Mr. DAVITT.

22,849. You have lived a long time in the district, I suppose?—I did.

22,850. Did you know Mr. Hegarty's father?—I did not.

22,851. You did not?—No, indeed.

22,852. How long did you live in the district?—I lived for many years in the district and near it.

22,853. How many?—I suppose something a good deal over 40 years.

22,854. Was Mr. Hegarty born in the district?—No.

22,855. Was Mr. Hegarty's father a landowner in the district?—I could not tell you; he was not.

Sergeant JAMES DOYLE sworn; examined by Sir H. JAMES.

22,856. What are you in the Royal Irish Constabulary?—Sergeant.

22,857. Where are you stationed?—Millstreet, county Cork.

22,858. From time to time have you had put into your custody certain notices that officers have handed to you in that district?—Yes, I found all those notices among the records in the station.

22,859. (*Sir H. James.*) My Lord, you will recollect a conversation which took place with your sanction on Friday—that we should bring one witness to prove all these. Those are the notices handed to you by persons who obtained them in the execution of their duty. [*The witness produced several notices*] ?—They were all handed to the sergeant in charge of the station, and they were found there.

22,860. You succeeded him?—Yes, I found those among the records at the station.

22,861. How long have you been there?—A year and four months.

Cross-examined by Mr. LOCKWOOD.

22,862. How long have you been in the Irish Constabulary?—Over 18 years.

22,863. Have you been in the district during that time where you are stationed now?—No.

22,864. When you first joined the Constabulary how was it armed?—The same as it now.

22,865. I do not think we have had this before from any witness. How is the Constabulary armed now?—With Snider rifles, swords to match, and truncheons.

22,866. And during the whole time that you have been in the Constabulary it has been armed in that way?—Yes.

Re-examined by Sir H. JAMES.

22,867. When you are on your ordinary duty, what arms do you wear?—Truncheons, on day duty.

22,868. Those arms you have spoken of—when do you use those?—At night.

4 Dec. 1888.]

JAMES DOYLE.

[Continued.]

[The following notices were put in during the witness's evidence :—]

“Take notice that if you pay the rent which is now called your body will be
“ mark for a bullet. Let French and his hungry pauper dog go as empty as they
“ came. That dog is Hegarty, and before long his body will be a mark for the
“ rifle. If you pay your rent here is your coffin—

[Then there is an outline of a coffin.]

“ be ready to go into it.

“Join the Land League!”

“Take notice that if you pay your rent your body will be a mark for a
“ bullet. Let French and Hegarty be hungry pauper dog go as they came. Let
“ Hegarty look out, for his body will soon be a mark for a rifle. If you pay
“ your rent here is your coffin, be ready to go in.

[Then there is the outline of a coffin.]

“Join the Land League.”

“Take notice that if you pay your now called your body will be a mark
“ for a bullet. Let French and Hegarty his pauper dog go as they came.
“ Let Hegarty look out for his body will soon be a mark for a rifle. If you pay
“ your rent here is your coffin; be ready to go in.

[Then there is the outline of a coffin.]

“Join Land League.”

“Take notice that if you pay your rent your body will be a mark for a
“ bullet. Let Hegarty and French go as empty as they can. Let Hegarty
“ the hungry pauper dog look out for his body will be a mark for a rifle.

“If you pay your rent here is your coffin. Be ready to go in.

[Then there is the outline of a coffin.]

“Join the Land League.”

Notice found posted in Millstreet on 24th December 1880 by Constable
H. Tiernan.

“LAND GRABBERS.

[Then follows the outline of a coffin.]

“Take notice. A warning voice, a warning voice. Mark well the words I
“ say. Be fit to go before your God. If this you disobey. Have no earthly
“ dealing with that grabbing wretch you know or if you do now I tell you you’ll
“ shortly be laid low. You are his son-in-law I presume; you boasted that you
“ would give him horses for to do his work and help for to live. I came from
“ famed Dohallow now to tell you if you do the area of your farm will be six
“ feet long by two. The landlords must come to their knees. The land-grabber
“ will fall and the cowardly hogs that pay rack-rent shall suffer one and all.

“The grabber shun and join the League.

“And mind do not be late.

“Ere new year’s dawn will break

“Mayhaps the [then there is the outline of a rifle] is your fate.

“RORY OF THE HILL.”

Notices found posted near Mill Street by Constable Dolan. Warning people
not to deal with Mr. Hegarty.

“NOTICE.—Any person found dealing with Hegarty or any boycotter what-
“ ever in butter or anything else or pay his rent can be making his coffin.

[Then there is the outline of a rifle and coffin.]

“(Signed) CAPTAIN MOONLIGHT.”

“NOTICE.—Any person found dealing with Hegarty Boycottor in [missing]
“ anything else [missing] his rent I will h—[missing] him.

[Then follows the outline of a coffin.]

“(Signed) CAPTAIN MOON.”

4 Dec. 1888.]

JAMES DOYLE.

[Continued.]

"NOTICE.—Any person found dealing with Hegarty in anything or dealing with any Boycotter Butter or anything or any person who pay his rent, I will shoot him like a dog. I am not in gaol yet.

[Then there is the outline of a rifle.]

"CAPTAIN MOONLIGHT."

"NOTICE.—Any person found dealing with Hegarty or with any Boycotter in Butter or anything else or pay his rent, I will shoot him like a dog.

"(Signed) CAPTAIN MOONLIGHT."

[Then there is the outline of a rifle.]

Notice found posted in Millstreet 1881 by Constable Charles R. Johnson.
Threatening any person found dealing with Hegarty.

"NOTICES.—Any person found dealing with Hegarty in Butter or anything else or any Boycotter whatever or pay his rent, will be shot.

[Then there is the outline of a rifle.]

"(Signed) CAPTAIN MOONLIGHT."

3 Boycotting Notices. V. J. Riordan, working for J. Hegarty.

"Cons. McHugh and Lenihan.

"J. Riordan and family, smiths, are undergoing that system known as boycotting. Tenant farmers, you are called on to act as you have heretofore done. This is the final struggle. And let victory shine upon it."

"Coercion.—Special notice is here given to tenant farmers who employ J. Riordan and family to do their smith work to resign and immediately give up all dealings with him who is now boycotted."

"Coercion.—Special notice is here given to tenant farmers who employ J. Riordan and family to do their smith work to resign and immediately give up all dealings with him who is now boycotted."

Notice found posted in Mill Street by Sergeant M. Murray on 5th March 1881, warning people not to enter Mr. Hegarty's premises.

"Take Notice.—Any persons found entering the premises of J. Hegarty is to be expelled from the Land League, and afterwards to be boycotted as he has been. Follow this maxim, if not I will sacrifice my life for any of you, that I
Mc h. the 6, 1881.

"Sec."

Notice found posted by Sergt. Edward Russell at Cloughoola Beg on 7th May, 1881, threatening Hugh Kellcher not to pay rent to Mr. Hegarty.

LAST WARNING.

"If you pay any rent to that pauper Hegarty you better look out. Let him go again into Macroom Union from whence he came, and let you not support him by your hard-wrought earnings. Beware of Captain Moonlight."

Notices found posted near Millstreet on 2nd March 1882, by Constable Hugh Tiernan, boycotting Mich. Moynihan.

"Take Notice.—Men of Millstreet and surrounding distics rember that Mich. Moyinhan, butcher is boyictted. Any person selling or boing will be vesstted by Copting Moonlight, he is willing to give 50 lbs. reward."

"Take Notice.—Men of Millstreet and srounding distices, that Mich. Moynihan, bucher, is boyictted. Any person selling or boing will be visited by Caping. Moonlight, he will give 50 lbs. reward."

"Take Notice.—Men of Millstreet and srounding districs, rember that Mick Moynihan, butcher, is boyictted, any person selling or boing will be visited by Captain Moonlight. He is willing to give 50 lbs. reward."

4 Dec. 1888.]

JAMES DOYLE.

[Continued.]

NOTICE.—“ Flurry Scannell. If you don't give up dealing with Connors, you will be boycotted. Don't set the ground you have or do any work for him. If you do mark the consequence.”

“ CAPTAIN MOONLIGHT.”

[Then there is the outline of a rifle.]

Threatening letter received by Thomas Murphy, of Drounisicone, on 21st May 1832, waving him not to work for Mr. Hegarty.

“ NOTICE.—Thomas Murphy, if you go any more to Hegarty's house for anything, or to Mahony's, or Guild, or do any work whatever for any boycotter, I don't care who, you will be shot. Do you want to compare yourself to two men who guiled for Hegarty, if you do mark the consequence.

“ (Signed) CAPTAIN MOONLIGHT.”

[Revolver shown, and then there are outlines of a rifle, revolver, and coffin.]

Notice found posted in Millstreet by Const. Furlong in 1882.

Boycotting Doody for dealing with J. Hegarty.

“ A tone gentleman, Captain Moonlight, take notice anyone that will have any dealing with Doody of Tully, or his wife, will be visited by Captain Moonlight and his men. You might think that he is arrested, but he is not, his study is in dealing with Hegarty as shure as the Devil is in Hell, they will catch it.”

Nine Proclamations by Captain Moonlight found round Millstreet, 1st March 1883, proved by Head Constable Moran and Constable Tiernan.

A PROCLAMATION.

“ Moonlight.—No restoration for ever to the Smiths. Remember Captain Moonlight.”

[Eight other Proclamations exactly similar were handed in by witness.]

Ex-Head Constable THOMAS CAHILL sworn ; examined by Sir H. JAMES.

22,869. I believe you have left the service now but you were a member of the Irish Constabulary?—Yes.

22,870. You were formerly head constable?—Yes.

22,871. On the 28th of December 1881 did you arrest a man named Daniel Connell?—Yes, I did.

22,872. I believe you arrested him in connexion with these moonlight raids?—Yes.

22,873. Did you find two documents upon his person when you arrested him?—I did.

22,874. Will you produce them, please. One is a document to Patrick King, Horse Mount.

[The notices were handed to Sir Henry James.]

(Sir Henry James.) My Lord, I have handed my friend the original. I will read from my copy:—

“ To Patrick Ring, Horse Mount. Please read the enclosed orders which must be performed. Notice.—Four men and self in person to appear under all arms at an early hour at Twohig's, on the night of December 30th, 1881. Bring Healey's shears ; a bayonet out of the stock and false whiskers for Owen, Reardon's also.

“ (Signed) MOONLIGHT, for approval.
,, confirmed.”

The second is as follows:—

“ 30th December 1881. Regimental orders by Captain Moonlight. James Sullivan shot in the legs and mother and daughter clipped for dealing at Heggarty's. No. 2, John Lenehan, story-telling to F. Toom ; clipped also. No. 3, Dennis Coheley, for turning out his labourer ; clipped. No. 4. John Murphy, shot in the legs for paying his rent. No. 5. A man for paying his rent also shot.

“ Signed and confirmed by CAPTAIN MOONLIGHT.”

4 Dec. 1888.]

THOMAS CAHILL.

[Continued.]

Then "M. Coleley clipped for talking to a peeler in Macroom, and cursing "Moonlighters. Regimental orders by Captain M.N.L.G.T. for appointed raids, "30th December 1881."

22,875. Tell me, do you know any of these cases; who is Twoigg?—James Twoigg was resident in that neighbourhood, and he and his brother were afterwards convicted of moonlighting, and sentenced to penal servitude.

22,876. Did the man whom you arrested, and took those documents from, Daniel Connell, give evidence against them?—He did.

22,877. Is that the only case you know anything about?—That is all that I am aware of.

Cross-examined by Mr. REID.

22,878. Connell was the man upon whom you say these two papers were found?—Yes.

22,879. And, as I understand, some time in 1881—the end of 1881?—Yes.

22,880. And those initials in ink at the back of one of those documents, whose are they?—I think my initials are on the back.

22,881. Are your initials S.G.?—T.C.

22,882. T.C. 28/12/81?—Yes.

22,883. That means the 28th of December 1881, when you got them?—Yes.

22,884. Just by the side of that—I only want to understand it—there is in pencil: "Regimental orders by Captain Moonlight," I suppose it is, "for appointed raids, 30/12/81"?—That was on the document when I found it; my initials are the only thing added.

22,885. Was Connell a person who was ever tried?—No, he was not tried, he became an approver.

22,886. That is to say he gave evidence against the others?—Yes.

22,887. Were the other persons convicted?—Two were.

22,888. Did he become an approver on more than one occasion?—There were several persons charged.

22,889. I don't want to trouble you about the number of persons charged, but on one occasion he was an approver, and gave evidence. Did he give evidence on more trials than one?—He did upon some of the same party.

22,890. How many times did he go into the box?—I cannot say; I think two or three times, at the Winter Assizes, Spring Assizes, and, I think, the Summer Assizes.

22,891. When did he give information to the police?—That I am aware of, he never gave information to the police; it was after he had been arrested that he became approver—I believe, while in gaol—after he had been returned for trial.

22,892. Did you inquire of him in whose handwriting these papers were? Did he ever swear in whose handwriting these papers were?—Well, I am not quite sure, now.

22,893. You could not recall that to memory?—I cannot recall it to memory.

22,894. Did you understand and believe that they were in his own handwriting?—I think it was believed that was in his own handwriting.

22,895. I am asked to suggest to you, you may not recollect it, that he swore so on the trial?—I cannot recollect whether he was asked, or whether he swore.

22,896. Was he one of the ringleaders of these moonlighters?—I believe he was.

22,897. Was he not the organiser of the moonlighters himself?—I cannot say; I believe he assisted in it.

22,898. Was he not captain or leader?—He was called the leader, although he stated he was not.

22,899. Will you look at that document again. Now, then, if you will allow me to draw your attention to your answer as to the date, I think you will see that it came into your possession the 28th of December 1881?—Yes.

22,900. And there are notices for appointed raids 30/12/81, that is the 30th of December; therefore this was not a memorandum of raids that had taken place?—No, but of raids.

22,901. A memorandum of raids that this man Connell intended to carry out himself?—Yes.

22,902. He was often, I think you told us, a witness?—I think he was a witness three times.

4 Dec. 1888.]

THOMAS CAHILL.

[Continued.]

22,903. Do you know what happened to him?—I do not.

22,904. Did he leave the country?—I cannot say.

22,905. I do not want to press you particularly as to where he is now, but merely as to whether he is in the country?—I do not know.

Re-examined by Sir HENRY JAMES.

22,906. Was Connell arraigned, and did he plead guilty?—I do not know whether he was arraigned or not at the assizes, I cannot say; I cannot recollect well.

22,907. Did you hear him give evidence?—I did.

22,908. Now my friend has asked you whether Connell said he was head of the moonlighters; did he say he was the head of the Moonlighters?—He said—I think the name is—Owen Reardon in Millstreet was the captain, and that he was acting under the immediate order of Owen Reardon. I think Owen Reardon is the man's name.

22,909. Do you know Owen Reardon?—I do not.

22,910. Do you know anything of him?—I saw him; he was a resident of Millstreet, and I think a trader, or baker, or something; I cannot recollect now.

22,911. Was Reardon ever tried?—He was on trial.

22,912. (*Mr. Reid.*) Was he convicted?—I think the jury disagreed; there was some indictment; he was allowed out on his own recognizances to come up for trial when called.

22,913. He was not convicted?—I think not, not that I am aware.

22,914. (*Sir H. James.*) You say Connell said he acted under the orders of Reardon, did he?—Yes.

22,915. Did he say anything about receiving money from any one?—Yes, he said he had received 12*l.* for his daring in carrying out moonlight bravery.

22,916. From whom?—He said from the Land League, but he did not name the individual.

(*Mr. Reid.*) This is new; may I ask a question, my Lord?

(*The President.*) Yes, certainly.

Further cross-examined by Mr. REID.

22,917. You say this man said he got 12*l.* from the Land League?—Yes.

22,918. When did he say that?—He said it to me in conversation, and I am certain I heard him swearing it.

22,919. That is what I would like to get to. Can you give me any idea when and where he swore it?—At the trial of James and Jeremiah Tuigg, that is to the best of my belief and recollection now, I heard him swear it.

22,920. There were only two or three trials, and it was at the trial of some of these persons?—No, it was a deposition which he made.

22,921. Are those depositions available?—I do not know. They were private depositions.

22,922. I do not know if they are kept in Ireland, but I am told so. Did he say from whom he received this money?—He did not name the particular person that I can recollect. He said that he got a chance of the Parnell medal or 5*l.* in one instance, and he took the 5*l.*, and that he got 12*l.* in all.

22,923. This was what he swore?—Yes, I am almost certain.

22,924. I mean your recollection is that he swore that?—My recollection is he told me in conversation.

22,925. Oblige me by answering my question. Your recollection is that he swore that?—And my recollection is that he also swore it.

22,926. That is the point I am asking you. Your recollection is he also swore it?—Yes.

22,927. Now I want to get this explicitly from you: Can you state whether or not he named any persons as the persons who gave him the money?—I cannot.

22,928. Can you state whether he was asked any such question?—I cannot now; it is a long time ago, and the thing has gone out of my head.

4 Dec. 1888.]

JAMES DOYLE.

[Continued.]

Further examined by Sir HENRY JAMES.

22,929. As I understand the man told you he had received the 12*l.* from the League, and you believe he swore it?—I believe that I was listening to him swearing that in the depositions that he made.

Sergeant THOMAS CRAGG sworn; examined by Sir HENRY JAMES.

22,930. Are you a sergeant in the Royal Irish Constabulary?—Yes.

22,931. In the December of 1885 were you stationed at a place called Ballyvourney?—Yes.

22,932. Was a meeting of the League held in the League room at Ballymacurra on the 13th of December?—Yes.

22,933. On that day—December 13th—did you go into the League room?—Yes.

22,934. 13th of December 1885?—Yes.

22,935. Did you see a notice there posted up?—Yes, going into the League room.

22,936. Tell me whether that is it, and whether you took possession of it? (*the document was handed to the witness*)?—Yes, that is the notice.

(*Sir H. James.*) That, my Lords, is as follows:

“Irish National League, December 13th, 1885. Resolved that we condemn
 “ the conduct of Jerry Hegarty and William Connell (Count) in giving instruc-
 “ tions to lawyers to eject wholesale the tenants on the Ballyvourney estate for
 “ the nonpayment of a rent which the lands do not yield, and we further hold
 “ that the conduct of Jerry Hegarty deserves the greater censure having regard
 “ to the fact that he was supported from infancy and educated at the expense of
 “ those tenants he is now endeavouring to evict; and we are now further
 “ resolved to look on any persons who hold any intercourse or dealing with them
 “ as approving of their conduct, and unworthy of the name of Nationalists and
 “ supporters of the Defence Union.”

22,937. Was Jeremiah Lynch in the room?—Yes.

22,938. Did you ask him or any one in his presence who had put this up?—Not in his presence.

22,939. Did you make any inquiry?—I did.

22,940. From whom?—I asked Patrick Hurley, the owner of the house, did he know who put it up, or know anything about it, and he said, No, he did not; he was the first I asked.

22,941. Did you find out from any one who put it up?—No.

22,942. Now two days after this was an attack made upon a man named Cornelius Lehane?—Yes.

22,943. Was he serving processes at Ballyvourney?—He was a distance away from it, in the same district.

22,944. Was he severely beaten?—He was.

22,945. Were there many people there—a good many people?—I think there were 12 or 14 people in it.

22,946. I believe four persons were convicted for that?—Yes.

(*Mr. Lockwood.*) I have no question.

(*Mr. R. T. Reid.*) I have no question.

ROBERT FITZWILLIAM STARKIE sworn; examined by Sir HENRY JAMES.

22,946*a.* Are you a district inspector in the Royal Irish Constabulary?—Yes.

22,947. Where were you stationed in May 1881?—I was temporarily stationed at Millstreet in the county of Cork.

22,948. Were you district inspector then?—Yes.

22,949. Was the attack upon a man named Cornelius Kelleher or Tullig reported to you?—It was reported to me on the morning of 27th May 1881.

22,950. In consequence of that report, did you go to the house of Cornelius Kelleher?—I went on the morning of the 27th May, and arrived there at 8 o'clock in the morning.

22,951. Was that at a place called Tullig?—Yes.

22,952. Whilst investigating the matter, did you receive a statement and report from Cornelius Kelleher?—He described the circumstances of the outrage to me.

22,953. What were the circumstances?

4 Dec. 1888.]

ROBERT FITZWILLIAM STARKIE.

[Continued.]

(*Mr. R. T. Reid.*) My Lord, I think this raises the old point.

(*The President.*) I understand him to say, immediately he received information, he goes and sees the man.

(*Mr. R. T. Reid.*) Yes.

(*The President.*) Therefore, I think he is entitled to have that.

(*Mr. R. T. Reid.*) Oh, the fact that he went.

(*The President.*) Yes, and what the man said. I cannot see the difference between a man coming to the police and the police going to the man. It is not what he collects round about, but he goes and sees the man and asks him.

(*Mr. R. T. Reid.*) I thought the distinction established was between what appeared in the book and what was said, not appearing in the book.

(*The President.*) I had forgotten about the book.

(*Mr. R. T. Reid.*) I thought that was the distinction, because otherwise we felt on this side of the bar that we should be embarking in a sea——

(*The President.*) Yes, that is so. I had forgotten that.

(*Mr. Asquith.*) May I also point out we have had Cornelius Kelleher before us this morning, and he has described this very incident to us.

(*The President.*) Yes.

(*Sir H. James.*) Cornelius Kelleher was the first witness to-day. It is very short.

(*Mr. Asquith.*) He was not cross-examined to.

(*Sir H. James.*) I will not pursue that, but I have to ask him as to others. I was endeavouring to bear in mind the ruling. I thought this gentleman, being a district inspector, I might put that question. Of course the report made in that book is made for the purpose of the district inspector seeing it, but if this district inspector investigates it, you get it more at first hand than what is in the book.

(*Mr. R. T. Reid.*) It is hardly an answer. It is a relaxation, at all events, of the ordinary rules of evidence to which we have assented, and when we have assented to that relaxation, it ought not to be stretched beyond the extent to which we have agreed to it.

(*The President.*) I think so. No doubt there has been what I may call a compromise, and I think that is what our ruling has been.

(*Sir H. James.*) My Lord, I will not attempt to depart from it.

22,954. Do you make any entry in any book at the time of these matters when you investigate them yourself?—That is the usual course adopted in districts, but Millstreet was only a temporary district, and the outrages committed there were entered in the book at Macroom by another officer.

22,955. Have you the book here?—I have the book. It is not in Court.

22,956. (*The President.*) What is it?—The book is not in Court.

(*Sir H. James.*) If I want it I will call for it. I have Cornelius Kelleher's evidence.

22,957. I think you came to this district in April 1881?—Yes.

22,958. And you remained there 18 months?—I remained there for 13 months, up to June 1882.

22,959. When you came there did you find whether Mr. Hegarty was boycotted or not?—He was boycotted.

22,960. Have you yourself seen any acts of boycotting, or taken any steps officially, to deal with the matter?—Yes, his servants and employés generally when they went out in the town of Millstreet, the people were in the habit of booing and shouting after them, and I prosecuted several people for it, and they were bound over to be of good behaviour in sureties.

22,961. Did you provide police protection?—No, not personal police protection.

22,962. For no one in connexion with Mr. Hegarty?—Not that I remember.

22,963. Or for any property of his?—There were huts which the police placed at a place called Kippagh, where Mr. Hegarty had property.

22,964. Then if police huts were placed there, I suppose policemen inhabited them?—Yes, they were there for the protection of Mr. Hegarty, and his people, and property.

22,965. In June 1881 did you have a report as to something having happened at the house of Lawrence Fitzgerald?—Yes; I was told it had been attacked on the night before.

(*Sir H. James.*) That is all I ask. The Fitzgeralds' have been here.

(*The President.*) Yes.

4 Dec. 1888.]

ROBERT FITZWILLIAM STARKIE

[Continued.]

22,966. (*Sir H. James.*) Did you know Mr. O'Mahony?—Yes, I lived in his house.

22,967. I believe you lodged at O'Mahony's house?—Yes.

22,968. To your knowledge, was he an intimate friend of Mr. Hegarty's?—He was an intimate friend of Mr. Hegarty's, and was married, I believe, to a connexion of his.

22,969. A niece of his?—A niece of his.

22,970. You were lodging there. Was O'Mahony boycotted?—He was completely boycotted.

22,971. What was O'Mahony?—He was a draper.

22,972. I believe you found there was a difficulty. He could not get meat at the time?—Yes, he was unable to get meat from the local butcher. It was procured for a time from the military barracks. It was supplied to the military barracks and from there to us.

22,973. Again in June 1881, in consequence of the report you received, did you visit the house of a man named Edward Mahony?—Yes.

22,974. Did you find the windows were broken in that house?—Yes.

22,975. In August 1881, had you a report as to something which happened at Michael Lynch's house, in Millstreet?—Yes, it was reported to me, he was visited by a moonlight party.

22,976. Would there be an entry of this in the Millstreet book?—Yes, in the Macroon book. I have not got it in Court. The entries in the book were not made by me.

22,977. Never mind. Would they be made by somebody in the course of business?—Yes.

22,978. Is that book here or not?—It is in town; but it is not here.

22,979. Was Canon Griffin the clergyman at Millstreet?—Yes.

22,980. He had been there for a great many years?—I do not know for how long; but he was there for a considerable time.

22,981. Was he boycotted?—Well, I cannot say that he was boycotted. There were boycotting notices posted about him, and I believe there was a considerable falling off in the ordinary dues of the parish.

22,982. Can you tell me, while you were there, who was the secretary of the Millstreet branch of the League?—John Riordan was secretary for a time. I do not know of any Owen Riordan. I heard the last witness say Owen Riordan, but I think it is John Riordan, he means.

22,983. John Riordan was the secretary?—He was secretary of the Land League in the district.

22,984. Do you know of any Owen Riordan at all there?—I know an Owen Riordan, but he does not live at Millstreet and he was not secretary of the League.

22,985. (*The President.*) Whereas John you say was?—Yes, my Lord, John Riordan was the secretary.

22,986. (*Sir H. James.*) You know this man we have been speaking about?—Yes.

22,987. And you had conversations with him?—Yes.

22,988. You say you know of no Owen Riordan, but you do of John Riordan. During the time you were at Millstreet had you to increase the number of police?—When I went there in April 1881 the force as well as I remember was a head constable, and twenty.

22,989. Whilst you were there?—It was subsequently increased to about 65 men.

22,990. What was the cause of the increase?—The outrages in the district and the boycotting of Mr. Hegarty.

22,991. Was your attention at that time frequently and constantly called to these moonlighting outrages?—Frequently.

22,992. Where had you been stationed before you went to Millstreet?—I was in the Queen's County for a short time.

22,993. How long have you been in the service?—Since 1879, a little over nine and a half years.

22,994. You only went in 1879?—In May 1879.

22,995. Did you find any trace of who these moonlighters were?—Yes.

22,996. What did you discover?

(*Mr. R. T. Reid.*) I beg you pardon.

(*Sir H. James.*) I am speaking of his own knowledge.

4 Dec. 1888.]

ROBERT FITZWILLIAM STARKIE.

[Continued.]

22,997. From what class did the moonlighters come?—As a rule they were farmers' sons and occasionally labourers, but not often, and people belonging also to the town of Millstreet, the shopkeeping class.

22,998. Were most of the persons in that district Land Leaguers, or not?—I should think the exception was to find a man who was not.

Cross-examined by Mr. R. T. REID.

22,999. Nearly the whole population were Land Leaguers?—I should say so.

23,000. You said something first about books, you have books, as I understand, in London but not here?—I have the "Macroon Outrage Register."

23,001. Did that cover Millstreet?—Yes.

23,002. Do I understand, I do not know that I do, that there is any objection to produce that book?—Not the least. I did not think it was required. I would have brought it here if necessary.

(*Mr. R. T. Reid.*) We do want the book.

23,003. With regard to Connell, Connell was a man who had been in the Army, was not he?—Yes.

23,004. He was a man of very bad character indeed, was he not?—Not that I am aware of.

23,005. Was he a man who was supposed to have a good character until he confessed to being a moonlighter?—I had heard of him, but I knew nothing of him until he was arrested for moonlighting.

23,006. Do you recollect the time when he was arrested?—Yes.

23,007. Can you tell me whether before that he had had any communications at all with the police?—I am not aware.

23,008. You never heard he had had communications?—I never heard he had.

23,009. Do you know a man of the name of Cullenhan whose name has cropped up since in Clare.

23,010. An informer of the name of Cullenham?—I have heard of him.

23,011. His name is tolerably well known. Was he in that district at that time in 1881?—Not that I know of.

23,012. I can only ask you of your own information. If there were (which I can only ask) any communications between Cullenhan and the police at that time, you were not aware of it?—No.

23,013. I mean there were none to your knowledge?—None to my knowledge.

23,014. I have very little more to ask you, but with regard to moonlighting—never mind the name, we will see about the name—the nightly visits for the purpose of intimidation and threatening you have known ever since you have been in the service, have you not?—No.

23,015. Not perhaps in so great a number?—I have known of them at Millstreet.

23,016. But say in 1879 or before 1879.

(*Sir H. James.*) He went there in 1879.

23,017. (*Mr. R. T. Reid.*) Oh, you went into the service in 1879?—I joined the service at the beginning of May 1879.

Cross-examined by Mr. Lockwood.

23,018. I want to ask you something as to Queen's County, where you were stationed. You were there I suppose from January 1879 to the end of January in 1880?—I was there from September in 1879 to March or the beginning of April 1881.

23,019. During the time you were in Queen's County were there cases of firing into dwelling-houses brought to your notice?—Not in my district.

23,020. Did you hear of such cases in other districts?—Not that I remember.

23,021. In Queen's County?—Not in the Queen's County.

23,022. Then why did you draw the distinction and say "not in my district"?—Because my district was only a portion of the Queen's County.

23,023. I gathered from your distinction that you meant to suggest that such cases occurred in other districts?—No, I say they may have occurred in other districts but I did not hear of them.

4 Dec. 1888.]

ROBERT FITZWILLIAM STARKIE.

[Continued.]

23,024. Were you aware of cases in Queen's County of threatening letters being sent to persons who had obtained orders of ejectment against tenants?—There may have been. I cannot recollect any particular case.

23,025. I am not asking you whether you recollect a particular case, I am asking you whether you know that such notices were being sent?—I do not know.

23,026. Again, I thought you drew a distinction by saying you did not remember any particular case?—I do not know of any particular case.

23,027. Are you prepared to say, according to the best of your recollection, that when you were in Queen's County such cases were not occurring?—They may have occurred.

23,028. And you have forgotten them?—Yes, it is quite possible. It is seven or eight years ago.

23,029. Did you hear of notices being sent to persons who were trying to get farms from which it was thought persons were to be evicted?—No.

23,030. Did you hear of cases of that description?—No, I do not remember any such case.

23,031. You may have forgotten them?—I may; it is quite possible, because threatening letters are not a very unusual occurrence.

23,032. Did you hear of notices being posted on public buildings, such as chapels, denouncing people for payment of rent?—I believe such notices were posted.

23,033. In Queen's County?—Yes, I think in the year 1880, as well as I remember. (*Sir H. James.*) My Lord, this is rather crucial. Will my friend mention what period in 1880?

(*Mr. Lockwood.*) I will show you exactly what I am reading from. My friend asks for a date. I have given an inclusive date, referring to the time when this gentleman was in Queen's County. I understand him now to limit his answer to my last question by saying he knew of such notices being posted in the year 1880?

(*The President.*) Yes.

(*Witness.*) I believe it was 1880. I may be wrong.

23,034. (*Mr. Lockwood.*) I dare say you can remember a particular case of that, cannot you?—Well, I think there were notices posted in the place I was stationed in.

23,035. What place was that?—Ballylinan, in Queen's County.

23,036. Where were those notices posted?—I think one was posted on the chapel gate.

23,037. What became of that notice?—I cannot say.

23,038. But would not it be brought to you in the course of your duty?—Yes, but I should not take it with me.

23,039. Was that a notice threatening persons who had paid their rent?—I believe it was in connexion with rent, but I cannot be sure. I believe it was.

23,040. You said that occurred in 1880?—It may have been 1880.

23,041. It may have been earlier?—I do not think it could have been earlier, because I only went there in September 1879.

23,042. Queen's County, I believe, was one of the quietest districts in the whole of Ireland, was it not?—My district was remarkably quiet.

23,043. Yet you did hear of these things from time to time even there? I mean such as the posting of threatening notices, the sending of threatening notices to persons who had taken evicted farms, and so on?—No, the only case I recollect is the one I have told you of.

23,044. But I understood you to say, in answer to my question with regard to these other matters, that they might have occurred, and you might have forgotten them?—I cannot say; I have not the least idea.

(*The President.*) He never gave any answer that he did remember them.

(*Mr. Lockwood.*) No.

(*The President.*) Therefore it stands negatively as to this.

(*Mr. Lockwood.*) Yes, no doubt. That is the fair interpretation of his evidence.

23,045. Did you hear of a case on the farm called the Black Farm, at Knockaroe?—I have never heard of Knockaroe.

23,046. Do you know the farm?—No. In the Queen's County?

23,047. Yes?—No.

4 Dec. 1888.]

THOMAS FITZWILLIAM STARKIE.

[Continued.]

Cross-examined by Mr. DAVITT.

23,048. Did you know James Ellis French?—Yes.

23,049. What was he?—He was detective director of the Irish Constabulary.

23,050. Did you ever meet him in Millstreet?—Yes.

23,051. When?—In, I should think, about September 1881 or October.

23,052. Was that before or after Connell turned approver?—It was before.

23,053. Had you then become acquainted with Connell?—No.

23,054. Connell never made any statement to you before that time, did he?—I have said I did not know him.

23,055. He might have made a statement to you in writing?—No, he did not.

23,056. Do you know whether he was seen by Mr. Ellis French or not?—I do not know.

23,057. I suppose you will not swear that Mr. French did not see him?—I would not swear either that he did or did not. I knew nothing whatever about him.

23,058. Do you know whether Connell got any money from James Ellis French, or not?—I do not know.

23,059. Do you know, or did you ever read it? Did you hear or did you ever read in the public press, that James Ellis French gave money to one Noonan, for getting up bogus outrages in Cork?

(Sir H. James.) Will your Lordship allow me? We have not objected to general matters occurring in a district, a person who was there, in cross-examination, being asked, "Did you hear so-and-so," but when it comes to a specific matter of fact; when a person is charged with giving money, it may be, properly or improperly, may I take your opinion, as the question has been put by Mr. Davitt, "Did you hear of it or did you read it in the press?"*(Mr. Davitt.)* I will correct it by saying, "Did you hear of it?"*(Sir H. James.)* Then my objection would apply more strongly still than a reference to the press. I only ask this, in reference to a definite act of a person named, does your Lordship think it is a proper question to ask, "Did you hear it?" It may come from a false source.*(The President.)* It is not a usual form of cross-examination to ask a man merely what he has heard or read of in a newspaper.*(Sir H. James.)* We have not objected to general reputation.*(Mr. Davitt.)* I put the question, my Lord, because it is a notorious fact in Ireland, believed to be, that money was paid for such a purpose by the director of the detective force.*(The President.)* I understand you are endeavouring to get from him a statement which would throw light upon that?*(Mr. Davitt.)* Yes.*(The President.)* However he has denied it. I do not think you are entitled to follow it up further.*(Mr. Davitt.)* Very well.

23,060. Just one question more about Mr. French. He was tried some time afterwards and sent to penal servitude?

(The President.) French was?23,061-2. *(Mr. Davitt.)* Mr. French?—I believe he was tried and received imprisonment. I am not certain.

23,063. Two years imprisonment?—I do not know. I saw that in the public press. I do not know anything about it.

Cross-examined by Mr. BIGGAR.

23,064. Is it the case that you, when you were in Millstreet, took a great number of prisoners, or were a great number of prisoners taken under your direction?—A very large number.

23,065. And in most cases you were not able to get convictions; you were not able to supply evidence?—In some of the cases there were convictions, but in the majority of the cases there were not.

23,066. A very large majority?—A large majority.

23,067. In about how many did you get convictions when you were there?—There were two men convicted, in the case evidence was given of here to-day,—the attack on

4 Dec. 1888.]

THOMAS FITZWILLIAM STARKIE.

[Continued.]

Mrs. Fitzgerald. There was one man pleaded guilty and there was another man convicted of another raid.

23,068. About how many had you taken prisoners altogether while you were there?—I should think over a hundred.

23,069. And you got two convictions and one or two pleaded guilty?—We were not able to procure evidence. If we had had evidence we probably should have convicted them.

23,070. Of course you carried on a system of persecution in taking a number of prisoners to prison without evidence?—If the witnesses told the truth we should have had no difficulty in convicting them.

(Mr. Lockwood.) May I ask one question? This gentleman has told us he went to Queen's County in September 1879.

(The President.) And was in Queen's County till March 1881.

23,071. (Mr. Lockwood.) And was in Queen's County till March 1881, when, I understand, he came to Millstreet. I only want to get from this gentleman where he was before that—in what part of Ireland?—I lived in County Cork.

23,072. Were not you in the Constabulary?—No, I joined in 1879.

23,073. You joined the service as I understand, and the first place you went to was in Queen's County in September 1879?—That was my first station.

(Mr. Lockwood.) I thought, perhaps, he had some experience before.

Re-examined by Sir H. JAMES.

23,074. You spoke of arresting persons, and said the witnesses did not speak the truth. Did you arrest those persons on information given to you?—Yes.

23,075. Did you find you could obtain evidence from the persons, even in Court, who gave you the information?—There was one case, if I may give one.

23,076. Take it generally first?—I was told by one family who were attacked, they fully identified—

23,077. We cannot go into what people told you. Did you find, speaking as a rule, you could obtain no evidence in Court from persons who gave you information?—Yes.

23,078. Was that a cause of people not being convicted?—In a great many cases; not in all cases.

23,079. Can you tell what period of the year in 1883 these notices of which you have spoken appeared?—No.

23,080. (Sir H. James.) Have you got those dates?

(Mr. Lockwood.) Yes, it is in the Parliamentary Paper. These are all 1879.

(Sir H. James.) I cannot follow the notice. I will take it from the Parliamentary return without detaining the witness now.

(Mr. Lockwood.) I was reading from this book, No. 131.

(The President.) I have not the book. What is the title of it?

(Mr. Lockwood.) It is book 131. It has been mentioned before.

(The Attorney-General.) Give the year. Agrarian outrages, 131, of 1880?

(Mr. Lockwood.) It is ordered to be printed in March 1880. So the book refers to 1879. It is a book which your Lordship has been referred to before.

Canon ARTHUR GRIFFIN SWORN; examined by the ATTORNEY-GENERAL.

23,081. How long have you been ministering in the neighbourhood of Castleisland? When did you first go to Castleisland?—I was ordained in 1855, and I was appointed immediately to the curacy of Castleisland.

23,082. How long were you living in Castleisland then?—Close on two years.

23,083. Were they quiet peaceful people?—Extremely quiet in every respect.

23,084. Industrious?—Industrious and religious.

23,085. In 1857, I think you went to Killarney?—Yes.

23,086. How long did you remain in Killarney?—Until the end of 1872.

23,087. When you went to Millstreet?—Yes.

23,088. Did you go to Millstreet in 1872, and remain there up to the present time?—Yes.

23,089. Now from 1872, when you went there, to 1880, what was the condition of the people in the neighbourhood of Millstreet?—They were excessively peaceable and

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

quiet, and industrious and religious; in fact the clergy could scarcely give them a sufficient amount of time to satisfy their desires in compliance with their religious duties.

23,090. You found a large proportion attending four services?—I kept an accurate of the communicants in the united parishes, and they amounted on an average from the beginning of 1873 to the end of 1879 to 39,000 annually.

23,091. That is 39,000 per annum?—Per annum.

23,092. In 1880, what did they fall to?

(*Mr. R. T. Reid.*) I do not see the relevency of this.

(*The Attorney-General.*) There is no reason for laughing. I think you will find it is relevant.

(*The President.*) I think the witness naturally ran on a little more than was necessary in order to answer the question.

(*The Attorney-General.*) I will follow it quite independently.

23,093. Will you just tell me what was the condition of the place during the years 1881 and 1882?—It became very disturbed, and the number of people attending their religious duties fell off immensely.

23,094. Did you notice from the people when you went out among them a difference altogether in their behaviour and habits?—Well, the vast majority of them were very respectful to me and to the other clergy all through, but a good number were not.

23,095. Did you know of anything happening to any of your schools?—Yes. One of the male schools in the town of Millstreet was boycotted after the teacher gave evidence at the assizes in Cork.

23,096. Just give me the teacher's name?—His name is William Riordan.

23,097. He gave evidence with reference to some offence at the assizes, and his school was boycotted?—Yes.

23,098. How long had Riordan been there?—He had been in the school previously as monitor, and after that as assistant teacher, and then I appointed him to the position of teacher to the junior school.

23,099. How long altogether had he been teaching in the neighbourhood before the time he was boycotted?—At the time I went to Millstreet he was in the school. I think he was employed as monitor in the school when I arrived there.

23,100. From 1872 up to the time of his giving evidence, did you know of anything against that man, except the fact that he had given evidence in a court of justice?—He was an extremely well-regulated young man in every respect.

23,101. Do you remember a man, a collector at your church, being boycotted?—Yes, he was.

23,102. What was his name?—His name was Riordan also. He was the father of that teacher.

23,103. How did it show itself? What used people to do?—I was surprised one Sunday morning when I went out to officiate to find the gallery at one side of the church over the transept perfectly empty, with the exception perhaps of about 20 people in it, and the other gallery was crowded to excess, and after the service was over I inquired and I found that there was some kind of notice that was given out by some parties, I do not know by whom, that they were not to enter by that door in consequence of Riordan being the collector there.

23,104. Had Riordan done anything except being the father of this teacher; was there anything against him?—I think Riordan gave evidence also in Cork, and he was related, I think, closely to Mr. Hegarty either by marriage or consanguinity, I do not know which.

23,105. Had you a district church called Cullen?—Yes, there are two parishes united.

23,106. And one of your churches was called Cullen?—Yes.

23,107. Did a man named O'Keeffe come to that church?—He did.

23,108. Do you know whether O'Keeffe was boycotted?—He had been boycotted and under police protection previously.

23,109. What happened to your church. What did they do?—The first Sunday it occurred it was previous to the service commencing. Half the people perhaps were in the church and the rest of the congregation had not come in. When O'Keeffe came in all the people got up that were there and walked out.

23,110. Did you preach in your church against outrage?—On all occasions.

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

(*The Attorney-General*) I will prove this formally. While Canon Griffin is here, I will put in a notice, the date of which will be the 25th of December 1881, posted on Canon Griffin's church.

[*The document was put in and read, and was as follows:—*]

“Coercion.—Who is feasting the tyrants of the country? Father Griffin.—
“Who is getting the best men in the parish into prison? Father Griffin.—“If
“you give him one penny Christmas box you will get buckshot.”

23,111. Do you remember whether you had shortly before Christmas 1881 preached against crime?—I preached against crime every time it took place in the parish.

23,112. Was there a man named John Riordan?—His name was not John. His name was Jeremiah.

23,113. Secretary of the League?—He was brother to John Riordan.

23,114. Was he secretary of the League?—No, I think his brother was, as far as I can learn.

23,115. Did anybody of that name interrupt you in the course of your discourse once?—Jeremiah did.

23,116. What was that upon. What were you preaching about?—I was denouncing some crime that took place. I do not exactly remember the exact crime, but he spoke out in the church and spoke most offensively.

23,117. Were the people affected, do you think, by the Land League in any way?—Well, immediately after the introduction of the Land League the place became disturbed.

23,118. Did you know of any other organisation in the district which had to do with preventing the payment of rents or taking of evicted farms except the Land League?—Well, I think the rents were paid fairly enough through the greater portion of the agitation in my district. I think it appeared to be more vindictiveness and malice and spleen, and things of that kind, than anything connected with the land.

23,119. Do you think that there was intimidation felt by any of the poorer people, or by people there in consequence of the Land League or not?—They were decidedly intimidated, and told me they were afraid to do various things they wished to do.

23,120. Do you believe that was genuine?

(*Mr. R. T. Reid.*) I object.

(*The Attorney-General.*) Forgive me.

(*Mr. R. T. Reid.*) I object.

(*The Attorney-General.*) If you object, object formally.

(*Mr. R. T. Reid.*) I do not like making formal objections, but my friend knows as well as I do that what people have said to Canon Griffin is not evidence, yet he brushes me aside.

(*The Attorney-General.*) I beg my friend's pardon.

(*Mr. R. T. Reid.*) I submit it is not evidence.

(*The President.*) I think it is general evidence.

(*The Attorney-General.*) That is all I mean.

23,121. You said you thought the people were suffering or appeared to be feeling this intimidation. I ask you, from your knowledge of the people, was it genuine in opinion?—I think a great deal of them were coerced, you know, and obliged to do things they did not wish to do at all, and that a great number of others went with the agitation.

23,122. How long, or when the first did the Land League appear to you to be becoming an organization of any power in the Millstreet district?—I think it was in 1880 that it was established, if I remember rightly.

23,123. In 1880 or 1881, do you know which?—I think it was in 1880. I am not certain.

23,124. During what time did it continue in the condition you are referring to. How long?—It continued all through; but not with the same amount of activity.

Cross-examined by Mr. R. T. REID.

23,125. Are there not many good and exemplary priests in Ireland who have been in sympathy with the League?—Thousands, I suppose.

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

23,126. And who, no doubt, like yourself, have denounced outrage and crime?—Very possibly.

23,127. But I mean you would not doubt that they had?—Well, you said a while ago that hearsay was nothing. I only heard they did.

23,128. You have heard they did?—I have heard they did, and saw it in the papers.

23,129. I think I understood you also to say that spleen and malignity and so forth had a good deal to do and more to do than any question relating to the land with the success of the Land League?—As far as my parish was concerned, I believe it was the origin of the evil.

23,130. Let me get this clearly. The Land League was started; its substantial basis was personal spleen, malevolence, jealousy, I suppose?—I did not say it was started for that purpose. I said, or at least what I mean is, that once it was started that parties connected with the Land League turned it into that purpose.

23,131. And as a rule, not as an occasional lapse from propriety, that was the condition of the organization? Is that what you mean? I do not want to put words into your mouth, I assure you?—It kept that malice and spleen up which I looked upon as most objectionable as a priest.

23,132. Yes, I quite agree with you. In 1879, I think the Land League started in Ireland at large. I do not know whether it was at Millstreet or not, but what was the condition of the Millstreet district in 1879?—Very peaceable, the greater portion of the year, I think, as far as I remember.

23,133. But was not there a great deal of distress in that part of the district?—There was a great deal of distress, but it was stopped by the timely aid of the different societies.

23,134. By the relief?—By the relief, yes.

23,135. I am aware the relief did a great deal, but I am now speaking of the condition of things apart from relief before relief came. Is not it the case that the potato crop very largely failed?—The potato crop failed, and I believe the cause of the failure was the non-changing of the seed. The farmers and their sons told me they had not changed seed for 20 or 25 years, and I told them that I had changed the seed every year, and that I had good potatoes every year, but they could not believe——

(*Mr. R. T. Reid.*) Whatever the reason was, I am not going to go in detail into this, your Lordship will see, but I will ask a few questions about it.

23,136. Was the distress not very deep indeed round Millstreet, insomuch that very large sums had to be distributed in the form of relief?—Yes, there were very large sums given, and I think there would have been great distress were it not for these sums which were given.

23,137. Were the rents about Millstreet—you can give the answer generally, perhaps; I do not know whether you can—largely reduced by the Land Commissioners when they came round?—They were reduced both by the Land Commissioners and by the landlords.

23,138. By the landlords before, do you mean?—There were some reductions given by the landlords even before the people went into Court.

23,139. As a general rule, were there reductions? Is not it the case that as a rule reductions were refused until the Land Act passed?—I never heard of a case where they were refused. I asked myself on several occasions. I recommended to the landlords in the district the propriety of reducing the rents and giving substantial reductions, and I found that almost invariably they acted upon my suggestions, and gave reductions.

23,140. That was the landlords you communicated with?—And several of them.

23,141. You obviously considered that reductions were very necessary?—Absolutely necessary. I considered, in fact, as you have asked me that question, that previous to the agitation at all a very large portion of the lands about Millstreet were entirely too over-rented, and I was often surprised, when I asked the people, that they did not complain about their rents. They seemed satisfied. They seemed contented, and I was greatly surprised, because I thought, looking at the aspect of the country and of the land, that they really were greatly over-rented.

23,142. Let me come now to the inception of the Land League. You have told us how it was developed afterwards, and misused. Do not you agree with this, that the excessive rents which prevailed, and the very deep and great distress, were the causes which provoked the agitation of 1879?—It may have been, but as a priest I could not

20 Nov. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

admit anything into my parish which would cause either irreligion or disorder, no matter what it was.

23,143. I am not suggesting that you should. I am asking your opinion, Canon Griffin, with regard to the cause of what took place in 1879?—I believe that every agitation should be conducted within the walls of the Ten Commandments.

23,144. So do I, but we need not argue that. The point is, what the cause of this agitation was. Do not you consider that the great distress and the excessive rentals were substantially the causes of the commencement of this organization?—No, I do not. I think the people themselves were not the cause of getting up the agitation at all. I think it was people who wanted to come to the front, and become great men.

23,145. Then your view is, that in 1879 the agitation had not the sympathy of the people at all?—I do not say that.

23,146. Do you think so?—Sympathy will very likely be generated immediately.

23,147. Was not that the cause of the popularity of the Land League in the commencement?—I think when any grand picture is held up before the people, they very likely will take it, and look at it, and admire it.

23,148. Now in regard to the crime which followed, what kind of crime broke out first in your district? What crime had you to regret, the commencement of what I may call exceptional crime?—I think the boycotting commenced, if I remember rightly, at the end of the year 1880.

23,149. I was rather speaking of outrage and violence?—I look upon boycotting as a great outrage.

23,150. I do not say you do not, but I was explaining to you the form of my question. Oblige me by kindly answering. I am speaking now of crimes of outrage and violence. I am not speaking of boycotting. I am speaking now of such things as are included in the Government returns as agrarian outrages. When had you to regret the commencement of an excessive number of agrarian outrages?—I think the moonlighting, and firing into houses, and attacking people in the houses, and things of that kind, commenced in 1881, if I remember rightly. Unfortunately, I did not keep exact dates, but that is my recollection.

Cross-examined by Mr. Lockwood.

23,151. Do I understand, Canon Griffin, that you have been opposed to the Land League from the start?—Because I saw——

23,152. I am not asking you for your reasons?—Very well. Yes.

23,153. I am asking you whether or not you have been opposed to the Land League from its start?—Yes, I have.

23,154. Do you in that position, as far as your brethren are concerned, stand alone?—I do not know that; I do not believe I do.

23,155. Can you give me the names of others who hold views similar to your own, as far as you know, upon that point?—I cannot give you the names; but even if I could, I do not think it would be right to do so.

23,156. I do not wish to argue what the effect would be. I must put this question to you. Can you give me the name of one?—Of one priest—is that it?

23,157. Yes?—That was opposed to what?

23,158. In your district. I am speaking of your district?—No, in my deanery, I believe, they all went with it.

23,159. How many are there in your deanery, how many priests?—I think there are 11 or 12 altogether.

23,160. Was there, as far as you know, any agitation in respect of the matter of rent before the establishment of the Land League in your district?—Not to my knowledge.

23,161. Was not there a fair rent agitation in 1878 and 1879?—In 1879—I did not hear a word at all about it.

23,162. You heard of the farmers club?—That was not in Millstreet.

23,163. I did not say whether it was in Millstreet or not. I asked you whether you heard of it?—It may have been in their district, but I paid no attention to it.

23,164. Did you hear of the farmers club?—I heard there was one in Mallow.

23,165. How far is that from Millstreet?—About 20 miles.

23,166. Did you hear of any agitation with regard to the reduction of rent in 1878 and 1879?—Not in Millstreet.

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

23,167. Did you not—in your service in church—yourself denounce in 1878 and 1879 the agitation which was then going on having as its object the reduction of the rents?—Certainly not.

23,168. In your own church and from your altar?—Never a word.

23,169. In 1878 and 1879?—I must see my words; I have not the slightest recollection.

23,170. I ask you whether you did or not, and I understand you to say you do not think so?—I am almost certain I did not.

23,171. Have you any doubt about it; it is not the sort of thing you could have forgotten?—I believe I did not.

23,172. You will not pledge your oath you did not?—The only allusion I made at all to anything connected with the land from the altar or from the church or the pulpit, was when the Government gave the cheap loans for the drainage of land; I advised the farmers to meet after the service, and they did meet in the Court-house for the purpose of seeing what they would do.

23,173. That is in 1878 or 1879?—It was in 1879, I think.

23,174. I am asking you with regard to the course you pursued in 1878 or 1879, and you have given me an answer. Now, please, with regard to Mr. Hegarty. You espoused the cause of Hegarty, did you not?—I espoused the cause of morality.

23,175. Hegarty, I said?—I espoused the cause of Hegarty, because he was boycotted.

23,176. I did not say anything about morality; I asked as to Hegarty—did you espouse the cause of Hegarty?—Because he was boycotted.

23,177. You will argue with me?

23,177a. (*The President.*) Do not you see he has answered. That is implied in your question. He means he was not supporting the man?—I was supporting the cause of morality.

23,178. (*Mr. Lockwood.*) I meant to suggest he was supporting the man?—If there was any man in the parish who was treated as he was, I would do the same thing.

23,179. I mean you were supporting the man?—No, I was not; I was opposing the infamy that was going on.

23,180. Do you remember Hegarty starting the bakery on his own account?—He had that before I went to Millstreet at all.

23,181. Do you remember taking some steps and assisting him in that endeavour?—No, certainly not.

23,182. Do you remember a man named Cooper?—I do.

23,183. Was he a baker?—He was.

23,184. Was he a rival of Hegarty's?—He was a rival of all the bakers.

23,185. Do you remember taking any active steps with regard to Cooper?—Yes.

23,186. What did you do?—Other bakers of the town came to me and they told me that Cooper was selling bread much below the weight.

23,187. I want to know what you did?—I cannot say what I did.

23,188. Did you do anything?—I cannot say what I did until you allow me to say what he did.

23,189. If you will answer you shall give your explanation after?—Yes, if his Lordship lets me after.

(*The Attorney-General.*) You shall explain after.

23,190. (*Mr. Lockwood.*) I say did you do anything?—I spoke about this from the altar as not being honest.

23,191. Under-selling to other bakers?—Not under-selling but under-weighing—not giving the weight for the price.

23,192. Was that all you did?—That was all.

23,193. Did you pay a visit to Cooper?—No, certainly not.

23,194. Or take any other steps with regard to it?—I did not go near Cooper's house at all.

23,195. I understand; when did you mention the fact from the altar that Cooper was not selling bread as you thought he ought to sell it?—Not as I thought at all, but as the public thought.

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[[Continued.]

Cross-examined by Mr. DAVITT.

23,196. You say, Canon, that men who were anxious to put themselves in the front and make names for themselves, created the agitation. You said that, if I understood you aright?—That, I believe.

23,197. Does that apply to bishops and priests as well as laymen?—I do not know that the bishops started it; even if they did, that would not prevent me taking the action I did when I saw I was right.

23,198. You are aware, I presume, that the archbishop—I think your archbishop—took a very prominent part in starting the agitation?—I do not know that he did. I do not know that he started it.

23,199. You say that you do not know he took an active part in initiating the Land League movement?—No, I do not.

23,200. You have said that you preached against outrage?—I have.

23,201. Did you ever preach against eviction?—There were no evictions in my parish, except five or six that I could say anything about, and in most of those cases I tried to interfere and get the thing settled, and in some cases—in some cases—there were very liberal offers made to the poor people, and they would not take my advice.

23,202. I suppose you interested yourself to prevent eviction in the interest of peace as well as justice?—Yes.

23,203. You believed that the evictions caused bad feeling and disturbance?—I believe that unjust evictions are great calamities—unjust evictions.

23,204. But evictions of any kind will cause angry feeling in the minds of those who are evicted?—Naturally.

23,205. Do you remember the evictions that followed the famine of 1848 and 1849?—I was a boy at that time; but I remember there were many very, very cruel evictions at that time.

23,206. Do you remember the year 1849?—I do not remember that year especially; that was the year before I went to college.

23,207. It was the year of great clearances in Ireland?—I should say 1848. 1849 was it you alluded to?

23,208. Yes?—I should think that 1848 was still worse.

23,209. Do you know that there were over 200 agrarian murders in Ireland in 1849?—No, I did not. I was young at the time and, did not pay much attention; but I may say this, as you have spoken on that subject, there was no agrarian murder committed in the county of Kerry for 30 years, I believe. There was no execution there, I believe, for 30 years before Poff and Barrett were executed the year before I went to Castleisland. There was a murder there, but I believe it was a family feud.

(Mr. Justice A. L. Smith.) Brosnan, was that the name?

(The Attorney-General.) No, my Lord; 1855 is what he is speaking of.

23,210. (Mr. Davitt.) Are you a native of the county of Kerry?—I am.

23,211. You said you advised the landlords in your part to give substantial reduction?—They did do so, the greater number of them.

23,212. That advice was in the interest of peace, as well as of justice?—And in the interests of the people.

23,213. Did you not think that substantial reduction would conduce to the peace of the locality?—Most decidedly.

23,214. You have said that people were coerced to join the agitation in your district?—They were coerced; there was undoubted intimidation and coercion practised, or a great many people would not have joined the agitation of the Land League at all if they were left free; they told me so.

23,215. Do you remember the land agitation of 1852 led on by Gavan Duffy?—I was in college at that time.

23,216. I suppose you know there was such an agitation?—I do not.

23,217. Neither historically nor otherwise?—I do not. I know there were several land agitations and Land Acts, and things of that kind, but I have no clear distinct recollection of any.

23,218. You said you sympathised with Mr. Hegarty because he was boycotted?—Yes.

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

23,219. I am not putting this question offensively to you, and if you think it offensive I apologise in advance. You have heard a very able letter tendered here the other day read in evidence by Mr. Hegarty to me?—I do not think I read the letter that day, but I think he showed me that letter very soon after his writing it, and he complained that you did not even answer it.

23,220. There is some little doubt about that. My question is, did you write the letter for him?—Certainly not. Hegarty is as able to write a letter as any man in this Court.

Cross-examined by Mr. BIGGAR.

23,221. You told Mr. Davitt you disapproved of unjust evictions?—Decidedly.

23,222. How do you distinguish an unjust eviction?—Well, a man that would have paid his rent fairly, and that did not allow himself to run into large arrears, and that did his best to pay his rent, and strove to pay as well as he could, that man, if the landlord was cruel enough to evict him, it would be a very unjust eviction.

23,223. Have you never in your experience known unjust evictions?—I have known heaps of them—heaps of them.

23,224. You told us in the earlier part of your evidence that you preached against outrages?—Yes.

23,225. Have you ever preached from the altar against unjust evictions?—I did not consider that there were any evictions in the parish that was really unjust, and therefore I did not think it necessary to allude to those; besides there were in a great number of cases settled, with the exception of two or three or four.

23,226. You did not preach against unjust evictions or extortionate rents?—There was no absolute necessity for it when they did not exist.

23,227. I thought in your evidence you swore—very properly and truly swore, no doubt—that you considered the rents were quite too high until 1879, and in point of fact in 1879?—That was my opinion, but it would not do for a priest not an agriculturist, to raise a storm in a place, and say they were too high.

23,228. You see you were born in an agricultural county, and you had a very fair general idea at the time, and you did not preach against extortion. Is not extortion a very great sin?—Decidedly.

23,229. And at the same time you did not consider it any part of your duty to preach against it?—There are two sides to that question, Mr. Biggar, altogether; I believe that the landlords were to blame, and I believe the tenants were to blame; the former because the farmers were offered such enormous rents, that when there was a farm vacant it tempted the landlord to accept rents beyond what the price should be, and again I saw the tenants, wherever a farm was to be sold—whenever the tenant-right of the farm was to be sold—I could see that the people were coming forward and giving fabulous prices for farms, and there was one case—am I trespassing?

(The President.) Yes, I think you have said enough in explanation.

(The Witness.) It was in explanation.

(The President.) You have given full explanation.

23,230. You did not preach against land-grabbing and covetousness, did not?—There was no land-grabbing in the place except the case of Keefe, and I do not know that can be called land-grabbing either.

23,231. At the same time you did not preach anything against it?—What was the necessity of preaching against it when it did not exist. I might as well go and preach against a thing that was occurring in Ulster.

23,232. Are you the only priest, as far as you know, in your diocese, who has identified himself with the landlords more than with the tenants?—I have not identified myself with the landlords more than the people. I love the people just as much as any priest in my diocese, and have gone as far as any priest to serve them.

23,233. Have you ever written letters to a landlord paper called the "Union" in Dublin?—No.

23,234. You have not?—No.

23,235. From your bringing up, I believe it is the fact that your connexions were very much in the employ of Lord Kenmare?—What?

4 Dec. 1888.]

CANON ARTHUR GRIFFIN.

[Continued.]

23,236. Your relatives were very much in the employ of Lord Kenmare?—My brother was his family physician.

23,237. Any other relatives in his employ?—I was chaplain myself at Killarney House, and I was administrator of Killarney, and some of my family were tenants on the Kenmare estate.

23,238. You were therefore very closely identified with the interests of a large landlord?—And I would be very glad to be identified with Lord Kenmare in any way, because he is the best landlord in the South of Ireland, I think.

23,239. Are you aware that in Kerry diocese there is more crime than in any other part of Ireland?—Yes, unfortunately for some time past.

23,240. And the Bishop of Kerry is one of the very few bishops who took the part of the landlord against the people?—I am very glad you put that question. The Bishop of Kerry does no such thing.

Re-examined by the ATTORNEY-GENERAL.

23,241. You were asked about Cooper's light bread; how many years ago was it?—I think it was the year after I went to Millstreet.

23,242. I am told it was 1873?—Yes, 1873; that was the year I went—at the end of 1872.

(*Mr. R. T. Reid.*) I was going to ask your Lordship whether you would think it not inconvenient for this witness to come in the morning. I think Sir Charles Russell would like to ask a few questions of him.

(*The President.*) Really—unless there is some special subject—I can only judge by the character of the evidence given.

(*Mr. R. T. Reid.*) If your Lordship pleases. I do not want to press it, then.

The Court adjourned till to-morrow morning at 10.30.

SPECIAL COMMISSION ACT, 1888.

ROYAL COURTS OF JUSTICE,
PROBATE COURT No. 1,
Wednesday, 5th December 1888.

Serjeant DENNIS MARONEY SWORN.

Examined by Mr. ATKINSON.

23,243. Are you a sergeant in the Irish constabulary?—Yes.

23,244. Were you present at a meeting in Millstreet on the 15th December 1885?—
I was.

23,245. Do you know Dr. Tanner?—I do.

23,246. Was he at that meeting?—Yes, he spoke at that meeting.

23,247. Did he make any remarks in reference to Mr. Hegarty?—He did.

23,248. Did you take a note of what he said?—Yes, some time afterwards.

23,249. How long after you heard him did you take a note?—He spoke three times that night, and after I returned to barracks I made a note of it, or made a note of it as well as I could.

23,250. (*Sir C. Russell.*) What do you say?—He spoke about three times that night.

23,251. (*Mr. Atkinson.*) Were you present on each of these occasions?—I was.

23,252. How long, do you say, after you heard what he said, did you make a note?—About an hour.

23,253. Had you a clear recollection of what you heard him say at the time you made it?—Yes, I have a good recollection of it.

23,254. Have you got that note with you?—Yes.

23,255. Take out the note and look at it, and say what he said in reference to Mr. Hegarty?—On the first occasion he spoke he called Mr. Hegarty a low creeping reptile living in their midst who used all his influence in maligning the people amongst whom he lived, and who was endeavouring to climb to the magisterial bench, but who would yet be relegated to the lowest depts of a felon's cell.

23,256. That was the first occasion he spoke?—Yes.

23,257. Have you a note of anything he said upon any other occasion?—He spoke again, and he called him an infamous being who did not deserve the name of being, whose proper definition would be a thing, but since he should call him a being he would call him the lowest of created beings—a creeping louse.

23,258. Did he say anything further about the peace in Millstreet?—Later on he added it—he added as long as Mr. Jeremiah Hegarty is in your midst there will never be peace in Millstreet.

23,259. Have you any further notes of what he said on either of those occasions in reference to Mr. Hegarty?—Some time after he called upon all those present who wished him out of the place to lift up their hands.

23,260. Was this addressed to a crowd of people?—Yes.

23,261. A large crowd?—A large crowd.

Cross-examined by Sir CHARLES RUSSELL.

23,262. You do not write shorthand?—No.

23,263. Is this your first experience in reporting speeches?—Yes, my first.

23,264. Your very first experience?—Yes.

5 Dec. 1888.]

DENNIS MARONEY.

[Continued.]

23,265. Did you forward this important speech to the authorities or to your superior?—I did.

23,266. To whom did you forward your copy of it?—To my head constable, who was acting as district inspector.

23,267. Who was he?—Head-constable Bryan.

23,268. You say that this gentleman spoke on three occasions on this day—made three speeches?—He spoke three times that night.

23,269. How long each time?—Oh, about 20 minutes I should think.

23,270. Twenty minutes each time?—Yes.

23,271. Perhaps more?—Yes.

23,272. Well, then he spoke for more than an hour probably?—I should think so.

23,273. And I suppose what you have taken a note of is a good deal of it all put together; what you have taken a note of would take about a minute to speak?—Oh, yes, I have only a few words.

23,274. You picked out the plums?—Yes, that which I thought was serious.

23,275. It was not a very elegant set of orations?—I should think not.

23,276. They seem to be very coarse and vulgar?—Yes, I thought so at the time.

23,277. Just let me see the book. [*It was handed to the learned counsel.*] Is this anything to do with it?—No, just a mark on the place.

23,278. This mark is not anything to do with it?—No, the leaf that is turned down is a mark to the note.

23,279. Oh, I see. You know you have not been asked to read this, I do not know that it is your fault, but this is what you have got. “Dr. Tanner delivered a speech to a crowd of persons from the windows of ‘Daniel Kelleher,’ in which he referred to the sale of J. J. Cronin’s effects on that day.” What was that sale?—I was not at the Cronin’s sale. I understand that Cronin was about to be seized for rent, and he sold out all his effects in order to defeat the landlord.

23,280. Do you know that of your own knowledge what that was or not?—I have heard of it.

23,281. You did not of your own knowledge. “He called upon all present who approved of Cronin’s action to hold up their hands, and to keep them up, and to swear that they would unite and stand to each other, and that they would not take those farms.” You mean——?—Cronin’s and others.

23,282. I presume, from those words, that Cronin was evicted or about to be evicted?—There were a few others similar to Cronin’s in the locality.

23,283. Either evicted or they were about to be evicted?—Yes, some of them had sold out like Cronin.

23,284. Preparatory to being evicted?—Yes.

23,285. “He afterwards spoke of Hegarty, and denounced him in the most violent and fearful manner.” Then follow expressions you have used, “the most vile and creeping thing.” Was Hegarty a popular man?—No, he was unpopular at that time.

23,286. Then you go on to say a torchlight procession accompanied him to the railway station, outside of which he again addressed them, his entire speech being an abuse of Hegarty, and then you repeat the same expressions, I think. Then he called upon the crowd to raise their hands—the entire crowd raised their hands, and kept up a continual groaning and booing, and he also made reference to the landlords and agents, and again addressed the crowd some short time?—That was in the shed of the station.

23,287. Before the train came in, and some boos were given for Mr. Townsend, who was then in the station-house. The train left the station, Mr. Somebody got into the railway-carriage, who is that?—Mr. Townsend, a land agent.

23,288. Oh, yes. Mr. Townsend it is, got into the railway-carriage, the police, four of whom were at the time forming a circle round him, immediately stones were thrown over the heads of the police?—Yes, at the carriage—the window of the carriage was broken.

23,289. You said Mr. Townsend was a land agent?—Yes, he is.

23,290. For whom?—Himself and Mr. Hegarty are connected with some property about Millstreet. He acts for Sir George Colthurst and others.

23,291. Then I see a little later on you go back?—I was called away on duty.

23,292. It is a kind of narrative this, I see?—Yes.

23,293. Not in the order of time?—Yes.

5 Dec. 1888.]

DENNIS MARONEY.

[Continued.]

Cross-examined by Mr. LOCKWOOD.

23,294. Is this your own unaided recollection?—I beg your pardon?

23,295. Is this written down from your own recollection?—Yes.

23,296. Not assisted by anybody?—Not assisted by anybody.

23,297. Were you the only Government reporter present?—I was not a reporter, but I thought it right to make a note.

23,298. Were you the only person present who reported for the Government?—I was the only person present who made a report of that. There were three other policemen at the station, but I am the only person that reported it.

23,299. Do you know whether any report was made by any other person but yourself on behalf of the Government?—I cannot say.

23,300. Think?—Oh, I cannot say; I have no knowledge of what other people might do.

23,301. Who were the other people that were there?—Constable William McCarthy, Constable Farrell, and Constable Moyland.

23,302. Were they there for the purpose of reporting the speeches?—No, none of us were there for the purpose of reporting the speeches.

23,303. Do I understand that you had no intention of reporting the speech until you got back to the station?—I had an intention when I heard the words used. I am bound to do so when I hear violent language; I am bound to note it.

23,304. You wrote down the violent language you heard in the course of that speech?—Yes.

23,305. As far as you could recollect it?—Yes.

Re-examined by Sir HENRY JAMES.

23,306. You told my learned friend, Sir Charles Russell, that Mr. Hegarty was an unpopular man; how long have you been in this district?—I came there the 11th September 1882.

23,307. You know nothing of Mr. Hegarty's popularity or unpopularity before the establishment of the Land League?—No, he was a boycotted man when I came there.

23,308. You found him boycotted when you went there?—Yes.

23,309. That means, I suppose, an unpopular man?—Yes.

(Mr. Lockwood.) May I call your Lordship's attention to the Attorney-General's speech at page 261, it is in relation to the question I asked just now, as to there being another report. I am giving the page 261 in the original paging. He spoke of this speech, my Lord—he has handed it at that time to my learned friend, Sir Charles Russell,—but he goes on to deal with that speech in that way. "That is, this speech, you will see, it is the same, but it happens to be made from two different reports."

Head Constable HOBBS sworn.

Examined by Mr. ATKINSON.

23,310. What are you?—I am head constable.

23,311. Did you attend a meeting in Millstreet on the 25th August 1886?—Yes.

23,312. Was Dr. Tanner present?—Yes.

23,313. Did you hear him address the people?—Yes.

23,314. Was there a large crowd there?—Yes.

23,314A. How long had you been stationed in Millstreet before that?—About seven or eight months, 14 months altogether.

23,315. Did you attend the meeting as a policeman to keep the peace or to take a report yourself?—Well, generally I attend the meeting to see it collected; I did not know what it was for.

23,316. Did you take a report of anything that Dr. Tanner said?—Yes, immediately afterwards.

23,317. How long after you heard him speak did you write down the report?—Immediately after he had concluded I went to the barracks and wrote it down.

5 Dec. 1888.]

HEAD CONSTABLE HOBBS.

[Continued.]

23,318. Have you got that report?—I have not the report.

23,319. Have you the report in the form in which you sent it to the authorities?—Yes, not exactly so full, but I have a memorandum. I have a copy of the original report I did send.

23,320. Is that the original you did send?—Yes.

23,321. Now please just turn to any part you have a report of the words that Dr. Tanner used?—Shall I read them?

23,322. Yes?—In the course of his remarks he said, speaking of the landlords' tactics, &c., at the last election, that they irritated the people, and that he, as a doctor, told them that "When the sore of a patient was irritated inflammation set in, and that the inflammation now set in should be brought to a point, whether the lancet used was a rifle or a sabre." Further on he said: "The people took the field and died in 1867, and they may be forced to do the same in 1887." Alluding to Mr. Hegarty, he said: "That landlord hireling, and him Jerry Hegarty, that parasite of infamy that no words would be low enough to describe, that louse who fed on the rotten carrion of those landlords." That was all the portion of that first speech.

Cross-examined by Sir CHARLES RUSSELL.

23,323. Just let me see that please (*the note book was handed to Sir Charles Russell*). How many people were at this meeting?—Well, I should say between 300 and 400 collected.

23,324. Was the meeting peaceable?—Yes.

23,325. Was the election referred to—the election that had just come off, in July of 1885?—I presume so.

23,326. July 1886, I meant?—I presume so. It was the previous election; it was shortly after the general election.

23,327. Who were the candidates there?—Well, Dr. Tanner himself was the candidate for that division; he was the elected candidate for that division.

23,328. By what majority?—I could not say that; but I believe a very large majority.

23,329. Who was the candidate against him?—From memory, I really could not say now.

23,330. You are aware, I presume, that Mr. Hegarty did take, as he was quite entitled to do, if he thought right, the anti-popular side—the landlords' side—in the election?—Yes.

23,331. That had not added to his popularity, had it?—I should say not.

Cross-examined by Mr. LOCKWOOD.

23,332. Is that the original note that you made?—That is the report that I made. In about five or six minutes after he had concluded I commenced to write, and forwarded it that night by post.

23,333. Did you take any note before you wrote out this, or was this written out?—No; I went at once to the barracks and wrote out that. I just took two or three words of that from the memo. book.

23,334. Did not you say you had another report?—I said I had a copy of that, but I only took that since I came here.

23,335. Did not I understand you to say that you had a note which you had taken, not a mental note, but something you had written down?—Yes.

23,336. Where is that?—I have it here; it is not so full as that, I expect.

23,337-8. I dare say it is not. You filled it up afterwards?—Both were written within a hour after hearing him speak.

I dare say; but I want the one that was written first.

[*The same was handed to Mr. Lockwood.*]

(*Mr. Lockwood.*) I dare say your Lordships will give me a short time just to look at this to compare it with the other, and if anything turns upon it your Lordships will allow me to put another question to the witness upon it?

(*The President.*) Yes.

5 Dec. 1888.]

HEAD CONSTABLE HOBBS.

[Continued.]

(*Sir Henry James.*) The only point I should like to know is this: I think this is one of the speeches to which we have two witnesses; but unless it is cross-examined to, it is useless to call two witnesses about the same speech. If my friend will intimate to me that he wants more certain proof, then we will call them.

(*Mr. Atkinson.*) My Lords, I propose to read a number of threatening notices that were produced by Constable Doyle yesterday in reference to this case. The first are those of December 1880, a bundle: "Take notice that if you pay the rent which is now due, your body will be marked for a bullet. Let French and his hungry harpy dogs go as empty as they came. That dog is Hegarty, and before long his body will be a mark for a rifle. If you pay your rent here is your coffin ready to go into —join the Land League."

(*Sir C. Russell.*) Will you just hand me those as you read them, and let me see what they are?

(*The President.*) Will it be necessary to read them all?

(*Mr. Atkinson.*) I do not think so; this is only a specimen of a bundle of four or five of them.

(*The President.*) Well, take the worst.

(*Mr. Atkinson.*) The next is in 1881. "Take notice that any person found entering the premises of J. Hegarty will be expelled from the Land League, and afterwards be boycotted as he has been. Follow this maxim for I will sacrifice my life for any of you, that I will." The last two words are illegible.

(*The President.*) I repeat, is it necessary to read them all?

(*Mr. Atkinson.*) No, my Lord.

(*Sir Charles Russell.*) I wish your Lordship to look at the kind of thing they are.

(*The President.*) How many have you got?

(*Mr. Atkinson.*) A great number, but that is a fair specimen of them. They are all in reference to Hegarty.

(*The President.*) Can you conveniently tell me how many?

(*Mr. Atkinson.*) I should think, my Lord, about 20.

(*Sir Henry James.*) Do they refer to Mr. Hegarty by name?

(*Mr. Atkinson.*) I think so.

(*Sir Charles Russell.*) I think not.

(*Sir Henry James.*) Just read those referring to Hegarty.

(*Mr. Atkinson.*) They all either refer to Hegarty or his servants or his customers.

"If you pay any rent to that pauper Hegarty you had better look out. Let him go into the union from whence he came, and do not support him with your hard earned earnings. Captain Moonlight."

They all refer to Mr. Hegarty.

"Any person found dealing Mr. Hegarty in butter or anything else, or any boycotter whatever, or anyone who pays his rent will be shot. Signed Captain Moonlight."

That is all, my Lords, I need read.

(*Sir Henry James.*) That, my Lords, I think, concludes Hegarty's case with the exception of one matter that was mentioned, which was as to the reading of one or two extracts from the "Cork Herald." I have made a communication to my friend as to whether we need bring a technical witness to prove the editorship. My learned friend, Mr. Lockwood, has not had an opportunity of seeing the gentleman to whom I refer, and if your Lordships will allow us to wait for a day or two before reading those extracts, we shall be glad.

(*Mr. Lockwood.*) As I said in answer to an observation made by my friend, as your Lordships may remember, last Friday I was in a position to admit that Mr. Hooper was the responsible editor of this paper from 1885. Mr. Hooper is not in England at the present time—I understand Mr. Hooper will be here to-day. If we might postpone the reading of those extracts.

(*Sir Henry James.*) Certainly, with your Lordships' permission. The only point between us is this, that Mr. Lockwood said he could admit that Mr. Hooper was in some subordinate position up to 1885; our view is that he was the active editor.

(*Mr. Lockwood.*) Will you kindly postpone it?

(*Sir Henry James.*) Yes.

(*Sir Charles Russell.*) Before the next witness is called may I ask your Lordships your intention with regard to adjournment. I have spoken to all my learned friends,

5 Dec. 1888.]

HEAD CONSTABLE HOBBS.

[Continued.]

and I need not point out the worry that this case is, and to no persons more than to your Lordships, and we would certainly ask your Lordships, unless you see some reasons to the contrary, not to sit beyond the end of next week.

(*The President.*) I need scarcely say that I and my colleagues would have continued to sit as long as it is desired by the parties, but, if the parties concur in that request, I think we are justified in acceding to it.

(*Sir Henry James.*) On that intimation I will say at once that my learned friends and myself think it a reasonable request. We should, of course, be glad to get on in one sense if we could, but it would be convenient to allow the witnesses to return home immediately before Christmas Day, and I concur with my friend that the day he mentions will be a convenient day.

(*The President.*) Then let it be so.

RICHARD WILLIAMS SWORN.

Examined by Mr. MURPHY.

23,339. Do you now live at Germoy, in the county of Cork?—Yes.

23,340. In the year 1884 did you take a farm which had formerly been occupied by Thomas Russell?—Yes.

23,341. Had he been evicted from that farm before you took it?—Yes.

23,342. After you had been there for a couple of months had you any difficulty in getting your horse shod, and so on?—Yes, about 12 months after I had gone there.

23,343. What happened to you?—The smith refused to shoe my horse.

23,344. Do you remember on one occasion when the horse's foot had been measured and when the shoes afterwards could not be put on?—Yes, that was the first time.

23,345. What did the smith say when he refused to put the shoes on?—It was the smith's wife who told me. She said that John Paul Higgins and some more she mentioned—I forget their names—

(*Sir C. Russell.*) Surely his wife's statement is hardly evidence?

23,346. (*Mr. Murphy.*) He said what?—That if they worked for me that they would take away their work.

23,347. Do you know whether Higgins was connected with the Land League branch in that neighbourhood?—I cannot tell what he had to do with the Land League branch, but I am sure he was a member of it.

23,348. Some time after that—give me a date as nearly as you can—do you remember being at Burgess's public-house in the village of Nowerhadda?—Yes.

23,349. Give me the date, as nearly as you can, when that happened?—In the beginning of 1885.

23,350. Did a man named Lahiff ask you to come outside?—Yes.

23,351. What was Lahiff?—He was secretary of the League.

23,352. When you came out what did he say to you?—He asked who was shoeing my horses for me.

23,353. What did you say?—I told him I was getting them shod at home.

23,354. Was that correct? Was that true or not?—Yes, it was true, for I had to send for smiths and get them shod at home.

23,355. What did he say upon that?—He said if I did not give up the farm that the three parishes would unite together, and there would not be a blacksmith in that part that would be allowed to work for me.

23,356. What did you say?—I told him I did not care.

23,357. And what did he say to that?—He told me that if I did not leave it that I would be shot.

23,358. Some little time after that do you remember seeing him when you were coming down the road?—Yes, I met him in June after.

23,359. Was it in June?—June 1885.

(*Sir Charles Russell.*) Who was this?

(*Mr. Murphy.*) Lahiff, the same man.

23,360. What did he say?—He asked me did I leave yet.

23,361. What did you say?—I asked him what did I leave for.

23,362. What did he say?—He said I should.

5 Dec. 1888.]

RICHARD WILLIAMS.

[Continued.]

23,363. Some little time after that do you remember at 11 or 12 o'clock at night some men coming to your house?—Yes, in the December after.

23,364. I think you were in bed and heard a knocking at the door?—Yes, it was between 11 and 12 o'clock at night.

23,365. Did some one ask you for a match?—Yes.

23,366. Did you open the door and give them a match?—I did.

23,367. As soon as you did that were you fired at?—Yes.

23,368. I think the shots struck you in the groin?—Yes, and went all along my two legs.

23,369. Did the boycotting or this difficulty about getting your horses shod, and so on, continue at this time, or not?—It did, sir, all along.

23,370. Eventually did you give up the farm to Russell?—I gave it up to the steward, the land warner, to hand it over to Russell.

23,371. Whilst this boycotting was going on did Colonel Thackwell lend you some horses to work at your farm?—Yes, in 1885.

23,372. Why was that—why did he lend you the horses; had you a difficulty in getting the work done?—I had a great difficulty in getting the work done and in getting horses.

23,373. I do not know whether you can tell me whether anything occurred to Colonel Thackwell after that; if not, we can get it from some other witness?—I could not tell you what occurred to him, but I can tell you he was boycotted afterwards.

Cross-examined by Sir C. RUSSELL.

23,374. When were you spoken to about coming to give evidence?—When was I spoken to about coming to give evidence is it? Not till I was subpoenaed.

23,375. When were you subpoenaed?—On the 14th of last month.

23,376. Who was it came to you?—I do not know who came to me.

23,377. A stranger?—Yes.

23,378. And gave you the subpoena?—Yes.

23,379. And how did they find you out?—I could not tell you how they found me out.

23,380. Had you been in communication with the police?—No.

23,381. You had not?—No communication with the police.

23,382. Nor had you been in communication with anyone else?—No.

23,383. You had not?—No. I had no idea of coming up here at all.

23,384. Until you got the subpoena?—Until I got the subpoena.

23,385. Then you do not know how at all they found you out?—No.

23,386. Perhaps you can tell me this—at the time you were subpoenaed were you aware that the man to whom you have attributed certain language, Lahiff, was not in Ireland?—I was aware of it for the last two years that he was not in Ireland.

23,387. When did he leave?—I think it was in 1886 when he left.

23,388. What time in 1886?—It was in the summer of 1886.

23,389. Let me just understand your position, Mr. Williams; you had taken the farm from which this man Russell, you say, was evicted?—Yes.

23,390. (*Mr Justice A. L. Smith.*) Will you ask him, Sir Charles, what year he was shot at—December what?—1885.

(*Mr. Justice A. L. Smith.*) I thought he said December last, that is all.

(*Mr. Murphy.*) No, my Lord.

(*Sir C. Russell.*) The December after was the expression, I think.

23,391. You took this farm in 1884; where had the previous tenant gone to?—I could not tell you where the previous tenant had gone to, he was living in some place around.

23,392. Who was the landlord?—It belonged to the O'Briens, and it was in the Court of Chancery.

23,393. There was a receiver, I suppose?—Captain Warren.

23,394. You say that the smith's wife told you that people, and she mentioned one name, Higgins, would take away their work if he, the smith, continued to do his work for you?—Yes, if he worked for me.

23,395. You know, do you not, Williams, that there was, and is, a strong feeling about taking evicted farms?—I am sure there is.

5 Dec. 1888.]

RICHARD WILLIAMS.

[Continued.]

23,396. And that feeling has existed as long as you can recollect?—Oh, no, not as long as I can recollect.

23,397. Where do you come from?—Cork.

23,398. From the city of Cork or the county?—From the city of Cork.

23,399. When you came to this farm in 1884 had you been a farmer before?—Yes.

23,400. Where?—In Douglas.

23,401. In county Cork?—In county Cork with my father.

23,402. Were you farming land of your own at that time, or living with your father?—Living with my father.

23,403. When was it, as well as you recollect, that the smith's wife told you about this feeling that the people would not continue their work if he continued to work for you?—It was in the middle of June 1884, that was the first June I went to live there.

23,404. When was it you say you had this conversation with Lahiff?—In the beginning of 1885.

23,405. What time in 1885—January?—I think it must be January.

23,406. I want to ask you about this conversation with Lahiff; did Lahiff talk to you in a friendly way?—He spoke to me in a friendly way.

23,407. Did he tell you what you yourself already knew, that there was such a strong feeling in the country that it would be unwise to keep the farm against that feeling, and that you would run into danger if you did not give it up?—He told me the danger I would be in if I did not give it up.

23,408. I say that is what he did tell you?—Yes.

23,409. The man is not in the country, and of course we cannot produce him, but I want to ask you this: did he say what he did say to you as a threat or as a warning given to you in a friendly way?—Well, I would say as a warning; I took it to be as a warning.

23,410. I understood you to say—I am not professing to give your exact words—that he did tell you that if against the feeling you continued to hold the farm, and would not give it up, you would be shot?—Yes.

23,411. What was Lahiff himself, what was his own business?—His father kept a coal stores down in Whitegate.

23,412. And he assisted his father in the business, did he?—I do not believe he assisted him very much, he was always out.

23,413. You do not think he assisted him very much?—I do not think he did.

23,414. Will you tell me please where was the nearest branch of the National League to which you lived?—I think Ballinrosteig.

23,415. And was Lahiff secretary of that branch?—It was a part of the other branch—the Ahadda branch.

23,416. Who was the president?—I could not tell you who was the president.

23,417. Can you tell me any of the prominent people connected with it; were all the men about members of it?—Every one around was a member of the League.

23,418. Were you yourself a member of it?—No.

23,419. Had you been asked to be, or not. I do not know whether you were or not?—No, I was not asked.

23,420. You were never asked?—No, never asked.

23,421. No pressure was put upon you to join it?—No.

Re-examined by Sir HENRY JAMES.

23,422. You told my learned friend, Sir Charles Russell, that it had not always been unpopular to take evicted farms; when do you say it became unpopular first to take evicted farms; can you fix a time?—After the Land League commenced it was unpopular for a man to take an evicted farm.

23,423. Had you ever heard any complaint of persons taking evicted farms—calling them landgrabbers or anything of that kind—until the Land League was established?—Never.

23,424. To make it clear, this Ahadda branch was in the very place where your farm was, was it not?—The Ahadda branch was within a mile of my house.

23,425. And of that branch this man Lahiff was secretary?—He was secretary.

5 Dec. 1888.]

RICHARD WILLIAMS.

[Continued.]

23,426. I think my learned friend put a word I had not caught before about being unpopular; would you just tell me again, with my Lord's permission, what Lahiff said to you?—I was in at Burgess' public-house in Nowerhadda after coming home from the boat with some people. He called me out of the public-house. I was waiting for a man who was coming, and he asked me who was shoeing my horses? I said I was getting them shod at home. Then he told me if I did not give up the farm, that the three parishes would unite, and that they would not allow a blacksmith from Ahadda to Cork to work for me, and I told him I did not care. He said then if I did not leave it I would be shot.

23,427. What was this man, Lahiff?—He was secretary of the Ahadda League.

23,428. Was he in trade or anything?—He had no trade.

23,429. What did he do for a living?—I could not tell you how he was living, but his father kept a coal stores.

23,430. You say he has gone away; do you know where he has gone to?—I could not tell you where he has gone to.

Sergeant THOMAS O'BRIEN SWORN.

23,431. Are you stationed at Whitegate, and have you been there for some seven years?—Yes.

23,432. Williams has told us that after taking Russell's farm he was boycotted. Is that within your knowledge or not?—It is.

23,433. Do you remember hearing anything about Colonel Thackwell lending his horse to Williams?—I do.

23,434. After that did you see a threatening notice on the anvil of the forge in Whitegate? Have you got it there?—Yes.

23,435. Just read it. You took it down?—It was handed to me by the blacksmith, John Donnelly.

23,436. See whether this is it, "You are going to work for Thackwell," is that it?—Yes.

23,437. "Very well, you can do so, but remember you lose your customers and set yourself against the people. This is a fair warning. Take it if you wish. If you don't, look out for squalls"?—Yes, that is a copy.

23,438. On the 22nd November 1884, did you accompany Mr. Crickle in making a search for letters at Lahieve's house or making search at Lahieve's house?—Not at Lahieve's house.

23,439. Where then?—A man named Steele's.

23,440. Who is the other person?—Mr. Creigh, the district inspector.

23,441. Did you there find two letters which purported to be signed by Edward Lahieve?

(*Sir C. Russell.*) We cannot have that.

23,442. (*Mr. Murphy.*) Forgive me for a moment. I believe my question is strictly accurate?—We found no letters there.

23,443. (*Sir C. Russell.*) It is very inconvenient to lead him?—When at the house we were informed that Richard Steele had gone into Whitegate. We then went into Whitegate and met Richard Steele there, and we brought him into the barrack, told him what we were out at his house for, and he then delivered up those letters.

23,444. (*Mr. Murphy.*) Two letters purporting to be signed by Lahieve?—Yes, which he received from Lahieve.

23,445. Are those the two letters (*handing two letters to the witness*)?—They are.

23,446. Are you acquainted with Lahieve's writing?—I am.

23,447. Do you believe those to be signed by him?—I do believe them to be written by him.

(*The President.*) Is that the same man?

(*Mr. Murphy.*) I believe that to be the same man. The first is undated, but it is "Whitegate, Saturday."

[The letters were put in and read, and were as follows:—]

5 Dec. 1888.]

THOMAS O'BRIEN.

[Continued.]

“ Whitegate,
“ Saturday.

“ Dear Mr. Steele,
“ It has been intimated to me that you are anxious to have the affair about
“ boycotting your machine settled. By your attending tomorrow's meeting of the
“ National League at Ayhoda about 1 o.c. (one o'clock) the matter will likely be
“ settled satisfactorily. I have heard that you intend to come to meeting.

“ Yours truly,
“ EDWARD LAHIEVE.”

The next is this—

“ Whitegate,
“ Tuesday.

“ Dear Mr. Steele,
“ I am most surprised at your not acting in accordance with arrangement
“ come to on Sunday.
“ By your doing immediately what was agreed on, the whole power of the
“ League will be directed towards getting custom for you, whereas if you neglect
“ to do so that same power may be directed against you, and it could make itself
“ felt even next year. For you may remember that it is for what you did last
“ year you are now suffering, so that 12 months don't make such a difference. I
“ remain at home here to-morrow, and after all day, so that you may not be
“ disappointed should you come down; and if you consider your own interests,
“ you will come.

“ Yours truly,
“ EDWARD LAHIEVE.”

23,448. You also produce, from the constabulary records—I will leave you yourself to find them—a number of boycotting notices?—I found some of them posted myself, and others were handed to me by some civilians who found them posted.

(Mr. Murphy.) I will just run my eye over them and select specimens. I have not seen them myself before. It will save your Lordship trouble.

(The Attorney-General.) Is the inspector you refer to here?—He is not.

(Sir C. Russell.) Will he be here at a later stage?

(The Attorney-General.) I do not think so, at present, because, as far as I remember, these witnesses prove all the facts themselves.

(Sir C. Russell.) I only want to know.

(The Attorney-General.) I told you, because I said this one was with Creigh.

(Sir C. Russell.) I may have something to ask him.

(Mr. Murphy.) I am told he has not been subpœnaed.

[Cross-examined by Sir C. RUSSELL.

23,450. How long have you been in this Whitegate district?—Over 7½ years.

23,451. Whereabouts is Whitegate?—It is within three miles of Queenstown, convenient to Cork Harbour.

23,452. Was that a quiet part of the country, or was there at any time much outrage there?—There were a good many outrages, yet the people, I must say, are generally quiet—the majority of them.

23,453. Were there any outrages of any serious kind?—Yes.

23,454. What were they?—Some burning of hay and burning of houses.

23,455. By burning of hay you mean malicious injury to hay?—Yes.

23,456. And burning of houses?—Yes.

23,457. Claims for compensation following?—Yes.

23,458. What class of houses?—Dwelling-houses.

23,459. Tenants' houses?—Yes; the house upon this evicted farm that Williams took was burnt.

23,460. And threatening letters, I suppose?—Yes.

23,461. Was that the character of the crime in the district?—Yes, and the breaking of some machines, tearing down of gates and pillars.

5 Dec. 1888.]

THOMAS O'BRIEN.

[Continued.]

23,462. Will you tell my Lords under what Act was it that you and District Inspector Creigh exercised this right of search?—It was a warrant from the Lord Lieutenant.

23,463. Do you know under what Act?—The Act of 1882.

23,464. What was the date?—It was 1881, I think.

23,465. The Act?—Yes.

23,466. You will probably recognise it in this way. Was it Mr. Forster's Act or was it the later Act?—It was Mr. Forster's Act, I think.

23,467. I rather think you are not quite accurate about that?—No, I am not. It was Mr. Creigh who obtained the warrant.

23,468. I only wanted it for my own information and my Lords'. That authorised you to search Lahieve's house?—We did not search Lahieve's house.

23,469. Did it authorise you to search Lahieve's house?—We did not search Lahieve's house.

23,470. Did it authorise you to search Lahieve's house?—It did not. Lahieve's house was not mentioned in the warrant.

23,471. Then it was merely an authority to search Steele's house?—It was.

23,472. Now, my friend, read this letter, "Dear Mrs. Steele," I think?

(*Mr. Murphy.*) That is how my copy was.

23,472A. (*Sir C. Russell.*) That is not correct. It is "Dear Mr. Steele," is not it?—It is "Dear Mr. Steele."

(*The Attorney-General.*) We had not the original, but only a copy.

23,473. (*Sir C. Russell.*) It is not "Mrs. Steele" but "Mr. Steele"?—Mr. Steele.

23,474. And, as I gather from these letters, Mr. Steele had, for some reason or other, been boycotted?—He had for sending his machine to a farm from which the former tenant had been evicted 12 months previous.

23,475. For sending his machine. I suppose there were emergency men in possession, were there?—There was a caretaker there.

23,476. For sending his machine to help the working of an evicted farm?—Yes.

23,477. Had Steele done anything; was there any charge against Steele?—No, except that alone.

23,478. Except what?—Except sending his machine to this farm, which was, of course, against the principle of the League.

23,479. There was no charge of any crime against Steele?—No, there was not.

23,480. So that the powers were unlimited of getting search warrants—the powers were very general to get search warrants?—I do not think the power was unlimited.

23,481. Perhaps that is too strong a phrase, but very wide?—Well, it was reasonably wide.

23,482. Now, I understand, Steele had been boycotted for this?—Yes.

23,483. What was Steele?—A farmer.

23,484. How had he been boycotted?—He had a steam-threshing machine, and no one would employ it.

23,485. No one would hire it?—No; in consequence of his sending it to this evicted farm.

23,486. Anything else?—That is the only reason I can just assign.

23,487. You are not aware, I mean, of any other act of boycotting, except that people would not employ his steam-threshing machine?—No, on this particular occasion. They did on another occasion some time previous, which has no connexion with this.

23,488. What was that?—He took some land from a neighbour, that is against the wishes of the neighbours, and in consequence he was boycotted for a short time; but he gave it up again. But that has no connexion with this.

23,489. I quite understand, but I do not think you quite follow me. The only boycotting which was put in force, as I understand, against Steele, was not employing his threshing-machine, because he had sent it to an evicted farm?—That is the only way he suffered that I am aware.

23,490. The first letter says:—"It has been intimated to me that you are anxious to have the affair about boycotting your machine settled. By your attending to-morrow's meeting," and so on, "the matter will likely be settled satisfactorily."

5 Dec. 1888.]

THOMAS O'BRIEN.

[Continued.]

" I have heard that you intend to come to meeting." That is the first letter?—Yes.

23,491. The second is " I am much surprised at your not acting in accordance with arrangement come to on Sunday. By your doing immediately what was agreed on, the whole power of the League will be directed towards getting custom for you." Do you know what was agreed on?—I have heard.

23,492. Did you ask Steele?—I have made inquiries, and what I heard was, he was fined 5*l.* by the League in consequence of his sending this machine to this farm. That is what he earned at the farm for two days, 2*l.* 10*s.* each day.

23,493. From whom did you learn that?—From some people in the neighbourhood.

23,494. Did you ask Steele?—I did ask Steele, and he told me it was a fact, too.

23,495. A fact that he had been fined 5*l.*?—Yes.

23,496. That can hardly be what is here referred to " by your doing immediately what was agreed on." Did you ask him what that referred to?—That was it.

23,497. Had he agreed to pay a fine of 5*l.*?—Yes, and he did pay it, I believe.

23,498. Did he tell you he had paid the fine of 5*l.*?—Yes; he acknowledged to me he did.

23,499. You had not told us that?—I made those inquiries in order that proceedings might be taken, but Steele declined to prosecute or come forward as a witness. He said it would of course only make matters worse for him.

23,500. I want to ask you a question or two in reference to certain other crimes you have referred to in that neighbourhood. I will put the exact language to you to see whether you recognise it. Have you known cases of claim for injury which looked so suspicious? The people themselves are miserably poor, and compensation, if granted, would be a great help to them. Have you known cases of that kind where there were claims for injury?—No, not that I am aware.

23,501. Were the claims, in fact, frequently claims of persons in poor position?—No, they were not.

23,502. They were none of them?—No.

23,503. If Inspector Creigh has said that they were, that would not be correct according to your opinion?—It would not.

(*The Attorney-General.*) Forgive me, Sir Charles, that is really not a proper question.

(*Sir C. Russell.*) Then get up and object.

(*The Attorney-General.*) When the witness has said it is not the fact, it is not proper to put that some other inspector has said it.

(*The President.*) It is a form of question which, without the name, is frequently adopted—" if anybody has said so."

(*Sir C. Russell.*) I am not putting it without reason.

23,504. If Creigh has said that as to some of these claims for injury to property, you do not think that would be a correct description?—I do not think it would.

23,505. And you know no such case?—No.

23,506. Then do you mean to tell my Lord that no case of a claim for compensation has come before you in which you had reason to suspect that it was an injury intentionally done by the owner of the property, or with his connivance?—I believe they were malicious.

23,507. Will you answer my question. Do you say that no case of claim for compensation has come before you in which you suspected that it had been done intentionally by the owner of the property?—Yes.

23,508. Do you mean yes or no?

(*The President.*) Did you ever know such a case?—I did not.

23,509. (*Sir C. Russell.*) Or suspect such a case?—No.

28,510. Never?—No, indeed.

28,511. Now as to the threatening letters. Have you suspected people of writing threatening letters and posting them up on their own premises? Have you heard of that?—I have heard of it, but I do not believe that it occurred in that locality.

23,512. You do not believe it occurred?—No.

23,513. Have you heard of it often?—Yes, I have heard of it often. I believe instances of it may have occurred, but not in that locality.

5 Dec. 1888.]

THOMAS O'BRIEN.

[Continued.]

Cross-examined by Mr. LOCKWOOD.

23,514. You were in the East Riding, I suppose?—Yes.

23,515. Have you from time to time furnished reports for the returns relating to crime in Ireland?—I have furnished reports.

23,516. What was the nearest branch of the Land League to the place where you were stationed at Whitegate?—Ahadda.

23,517. How far is that from Whitegate?—About a mile and a quarter or a mile and a half.

23,518. When do you say that the branch was established there?—It was established before I came there. It was established when I came there. That was in March 1881. It was then established.

23,519. Then I mistook your evidence. I thought you said you had had seven years' experience in this East Riding of Cork?—In this particular station.

23,520. I do not care for the particular station. Have you had seven years' experience in the East Riding of Cork?—I have 16.

23,521. I will take the seven years which I think you gave us just now. Have you from time to time during those seven years reported agrarian outrages to the authorities for the purpose of their being embodied in returns?—I have.

23,522. And have you during that time reported cases of the sending of threatening letters?—I have.

23,523. And incendiary fires?—Yes.

23,524. And firing at the person?—Yes.

23,525. Injury to property?—Yes.

23,526. Those have all formed subjects on which you have reported as agrarian outrages during those seven years?—Yes.

23,527. What is your Christian name?—Thomas.

(Mr. Lockwood.) I was hoping it was John. It is with regard to that speech I asked some questions upon, the report we had furnished to us by the Attorney-General containing a memorandum indicating that the report of the speech was furnished by a man named John O'Brien.*(The Attorney-General.)* Your Lordship will remember the extracts I read from had the names of the witnesses at the side, and I did not object to my friends seeing them. There happened to be two reporters mentioned in connexion with that speech, and we called the reporter whose report we knew most about and whose report we could rely upon.*(Mr. Lockwood.)* I do not want to waste time about it. I understand my friend repeats what I gathered from his opening—that that report was furnished by two persons.*(The President.)* That a report was furnished by two persons.*(Mr. Lockwood.)* I have read once what my learned friend said on the subject.*(The Attorney-General.)* I will see if I can oblige you by finding John O'Brien. I do not want to bring him over on purpose.

Cross-examined by Mr. R. T. REID.

23,528. Have you got an outrage book in your district?—Yes.

23,529. Have you got it here?—I have not.

23,530. Can you get it?—I can.

23,531. Is there any objection to its being produced. I should like to see it particularly?—Weil, I should think not, but then I must apply for permission; of course, if the Court orders it, I rest assured it will be produced.

(The President.) I thought these outrage books were to be produced.*(Sir C. Russell.)* I thought so too.*((The President.)* Is not that so, Mr. Attorney-General?*(The Attorney-General.)* Yes, I quite understood so, but I do not know whether there may be some particular outrage book in which something may be written which would not come within it.*(The President.)* I am aware. That we have already dealt with.*(The Attorney-General.)* Yes, subject to that, I do not see any difficulty.

5 Dec. 1888.]

THOMAS O'BRIEN.

[Continued.]

(*Sir C. Russell.*) I have abstained from asking several witnesses because I am counting on the production of the books.

(*The Attorney-General.*) Of course, we have no opportunity of getting them except by subpoenaing certain people. My friend has the same opportunity of getting them as we have. We quite understand your Lordship's suggestion, and where we can do it we are getting them.

(*Mr. R. T. Reid.*) Here it might not be inconvenient to remind your Lordship of the second outrage book, which I have been waiting for, and have not yet seen, and which, I think, really the other side were under promise to produce. They have not called any witness yet to say there is an objection on public grounds to the production of it. I am in hopes of getting that.

(*The Attorney-General.*) Which do you mean?

(*The President.*) There was a second which was thought to contain the equivalent of the motives.

(*The Attorney-General.*) Yes. In order to prevent any incorrect apprehension, may I say this. Mr. Lockwood referred to the name of a witness by the side of a speech. It occurred by those slips being handed with the names on. As a matter of fact the John O'Brien was a misprint. It ought to have been Hobbins, and both Hobbins and Moroney, the reporters, have been called, who furnished that report.

(*Mr. Lockwood.*) I accept my friend's explanation at once, but if my friend looks at page 161 he will see at any rate how my impression arose.

(*The Attorney-General.*) I quite understood that, but of course there will be mistakes in such a number of documents.

(*Mr. Lockwood.*) Oh, we expect them.

Re-examined by the ATTORNEY-GENERAL.

23,532. I did not quite catch your last answer or an answer to Sir Charles. You said, having got some information from Mr. Steele about the 5^l., you proposed to take proceedings?—Yes.

23,533. And then you said something Steele declined to do?—Yes, he would not by any means come forward.

23,534. As a witness?—As a witness, as he considered it would only make matters worse for him.

23,535. Only one other question about these warrants to search. Did the warrants to search name any house or name a district?—It named Steele's house, and that I believe was in consequence of a report I made to Mr. Creigh upon this very subject.

(*Mr. Murphy.*) I do not propose to trouble your Lordship with the contents of these threatening notices. I will just read one and my friends can refer to any of the others.

[Here the documents were put in and were as follows]:—

“I don't like to injure a poor man.
C. P. M.

[Here is a sketch of a rifle.]

“Take warning.

[Here is a sketch of a pistol.]

“John Coady. if you send your machine to General Roche you must
“prepare to suffer take care the tyrant that have a farm which another man
“was evicted, and G. R. is the devil the villien that evicted him the powder that
“is for him is dry yet let him think of Herbitt he must die like a dog he thought
“he was over it but I have a look after him he must fall by the ball John do
“as you like but I warn you if you like you can sho this to priest hunter G. R.
“I defy him.

“Captain Moonlight, R.O.S.B.W.”

“Notice.

“Take warning

“don't shue General Roche's horses or work of any kind the evicting tyrant
“the notice to quite server Oh the land-grabber the land-grabber must die that

5 Dec. 1888.]

THOMAS O'BRIEN.

[Continued.]

“ you might live do he remember Father Daily who he tried to transport let
 “ him beware a nation course will be on his head an Irish Fenian will be on
 “ his track and the bullet will end his days don't work what I forbid he must
 “ fall and we must live.

“ Signed Captain Moonlight.”

[Here is the sketch of an axe.]

“Boycott.

[Here is the sketch of a rifle.]

“ If Joan Bible keeps workin for doyle worse than this will come to her.
 “ This warning is for Kit Cotter too. They may depend that worse than the
 “ sound of the shot will come. Conway must take care of himself too.
 [Here is the sketch of a rifle.] “ Captain Moonlight.”

[Here is the sketch of an axe.]

“ Boycott.

[Here is the sketch of a rifle.]

“ If Joan Bible keeps workin for doyle worse than this will come to her.
 “ This warning is for Kit Cotter too. They may — ”

“ We the Citizens of Gurteen Solemnly vow and declare that we shall have
 “ No dealing with this grabber Doyle until he gives this evicted farm up. We
 “ all agree to this, we also vow and declare that we will deal in like manner with
 “ David Dum if he gives him a passage through his farm. A public ofender
 “ Must do public penence.
 “ Agreed and carried.
 “ No Man woman No child to visit this house of Coruption.
 “ take Caution.”

(Sir C. Russell.) I wish to ask the witness one question.

23,536. I did not catch, myself, the matter you have just been asked about. Was it before or after you got the search warrant you wanted Steele to prosecute?—Before.

CORNELIUS REGAN sworn; examined by Mr. RONAN.

23,537. Where do you live?—Kilabrahan.

23,538. Is that near Charleville?—Yes.

23,539. You are a farmer there?—Yes.

23,540. Do you remember in February 1886 getting that letter (*passing one to the witness*). Look at it. Did you get that letter from the post?—Yes, I did.

(Mr. Ronan.) This is a letter, my Lord, dated Firies, Castlefarm, county Kerry, February 10th, 1886.

(Sir C. Russell.) Who is this from?

(Mr. Ronan.) Captain Moonlight.

[The document was put in and read, and was as follows]:—

“ SUSPECTED SIR,
 “ I AM informed you have been noticed to pay your rent by the agent
 “ Tatlow and thereby injur the rest of the tenants if you pay you are aware of
 “ the fight your brother tenants are now making for justice and if you pay you
 “ know the injury you will do them and also remember what will become of
 “ yourself as I have been written for to attend this cursed devision of Killabraher
 “ and I have been told you went behind your brother tenants the last half gale
 “ but take notice that I will leave you as lonesome of your ears as Rea the bailiff
 “ was left lonesome here this warning is for your good so pay if you like and if
 “ you pay be sure I will call to you before leaving for Feries.

“ (Signed) CAPTAIN MOONLIGHT.

“ To C. Regan.”

5 Dec. 1888.]

CORNELIUS REGAN.

[Continued.]

(*Mr. Ronan.*) Your Lordships will remember the case of Raie has been proved, the man who appeared here with his ears cut off.

23,541. In March 1887 did you get a notice from the agent to pay your rent?—I did.

23,542. Did you call on the agent to get time from him until May?—I did.

(*Sir C. Russell.*) Do not lead him please.

(*Mr. Ronan.*) Do you remember the night of the 2nd of April hearing shots outside your house?—Yes, I do; I did.

23,543. Did you get up?—I did.

23,544. In what state did you find the window of your bedroom?—Fired in through the glass, and I found a ball inside the bedstead.

23,545. A bullet?—A bullet.

23,546. Was there a screen across the fire?—There was.

23,547. Was there a screen across the window?—There was.

23,548. Was that on fire?—It was.

23,549. Did you go into the other room?—I did.

23,550. What state was the glass in the other room in?—All smashed in.

23,551. Did you see any pellets?—And all the walls appeared marked with pellets.

23,552. That is, the inside walls?—Yes.

23,553. Did you call one of your sons?—I did.

23,554. What did you and the son do?—I told him to get up and fire out.

23,555. Did you fire out?—I did.

23,556. Had they left then?—I did not see anyone. I fired out.

23,557. Except that you had been with the agent, did you give any cause to any one for assaulting you?—No.

23,558. Done no harm to anyone?—No.

23,559. What was the nearest Land League to your place?—There is a Land League in Dromanagh.

23,560. How far is that?—About a mile.

Cross-examined by Sir C. RUSSELL.

23,561. Whose tenant were you?—I was tenant of Mr. Orpen and a tenant of Mr. Thompson's.

23,562. Who is the other?—Mr. Thompson.

23,563. How much land had you from Orpen?—About 41 Irish acres—that is about 50 acres.

23,564. And from Thompson?—About 17 Irish acres.

23,565. Did the lands adjoin one another?—No, there is a road dividing them.

23,566. On opposite sides of the road?—Yes.

23,567. In 1878 and 1879 was there any allowance or abatement of rent made?—Yes, there was, I got an abatement.

23,568. How much?—I got about 20 per cent.

23,569. When was that?—That was about 1881 I think I got that.

23,570. When in 1881—what time in 1881?—I think it was sometime in September I was paying the rent.

23,571. Would that be an abatement in the gale that would fall due in May 1881?—Yes, sir, it would fall due in March.

23,572. In March?—Yes.

23,573. And that would be an abatement in the gale that would fall due in March 1881?—Yes.

23,574. Was that the first abatement you had got from 1878?—I think so.

23,575. Did you get that from both your landlords?—I got more abatement from the other landlord.

23,576. Was that what you got from Mr. Orpen?—No, from Thompson I got that.

23,577. The first abatement?—Yes.

23,578. As regards Orpen, when did you get the abatement from Orpen?—I was generally getting an abatement from Mr. Orpen—I was getting 20, 25, and 30 per cent.

23,579. When did you get the first abatement after 1879 from Mr. Orpen—did you get any in 1879 and 1880?—Well, I do not think I did.

5 Dec. 1888.]

CORNELIUS REGAN.

[Continued.]

23,580. Did you get any in 1880?—I think it was 1881 or 1882 I got it.

23,581. That is what I want to come to; was not the first abatement you got in 1881 and 1882?—Yes.

23,582. From Orpen?—Yes.

23,583. How much was that in the £?—I got 20 per cent. at one half a gale, and I got 25 in another, and I got 30 per cent. at the latter end.

23,584. Did you go into court?—No.

23,585. Have you got an abatement under the recent Act?—Yes, I got an abatement. I did not go into Court at that time at all.

23,586. What I want to ask you at this time is this: Do you recollect the seasons of 1878 and 1879?—I do.

23,587. Were they trying and bad seasons?—Indeed, they were.

23,588. Did the tenants all ask an abatement in 1879 and 1880?—I think so.

23,589. They did?—I think they did.

23,590. What abatement did they ask?—I think they were asking about 30 per cent.

23,591. The landlord, you have told us, gave them none in 1879 and 1880, and you believe that the first was in 1881; 1882 in Orpen's case, and 1881 in Thompson's case?—Well, sir, I think so.

23,592. If an abatement had been given in 1879 and 1880 of 25 per cent., do you or do you not think the tenants would have accepted it, and been glad to get it?—Well, I think they would.

23,593. But none was given?—It was given on Mr. Orpen's property, but not given on Mr. Thompson's property.

23,594. You have told me as regards Orpen's property?—It was given in Mr. Orpen's property, it was given through and through.

23,595. I must go back then, because you have misled me. You did say to me, undoubtedly, that in 1879 Mr. Orpen had not made any abatement?—Up to 1881 I think we got an abatement.

23,596. That is what I am just saying, that until 1881 there was no abatement, was there an abatement or not in 1879?—No, sir.

23,597. Was there any in 1880?—I do not think there was.

23,598. Was there or not in 1881?—I think there was from 1881 upwards an abatement.

23,599. There was in 1881, and that was the first?—Yes.

23,600. I want to ask you this: Speaking of your friends and neighbours in the district were they—I will take you up to 1884 and 1885—were they, or were they not, willing to pay their rent if they got a fair abatement?—I think they were.

23,601. In your judgment, as a practical farmer, was an abatement a fair thing to ask for the seasons of 1879 and 1880?—I think so.

23,602. You think it was?—Yes.

23,603. I must ask you this, were you a member of the branch of the Land League you have referred to?—I was.

23,604. Did you join that branch voluntarily of your own free will?—Of my own free will.

23,605. Was there any kind of pressure put upon you to join it?—No.

23,606. Were all your neighbours and friends about you members of it, or nearly all?—I think they were all members of it, sir.

23,607. Now do you or do you not know that the outrage that was committed upon you by the firing of those shots was denounced by both the branches that were near your place—by the Drumona branch and the Shandrun branch?—Well, I do not know, sir. I do not think they had anything to do with it.

23,608. You do not think they had anything to do with it?—No.

23,609. Do you know they condemned the outrage upon you?—Oh, yes, they did, sir.

23,610. You know that?—Yes.

23,611. I do not know what his position was or in respect of which branch, but do you know the name of the parish priest?—Father Beechner.

23,612. Mr. Beechner?—Yes.

23,613. Was he the parish priest?—Yes.

5 Dec. 1888.]

CORNELIUS REGAN.

[Continued.]

23,614. What was he in the League?—I do not know what he was in the League in my district.

23,615. Was his curate the Rev. Mr. Ray?—Yes.

23,616. Do you know that both these gentlemen denounced the outrage upon you?—Yes, they did.

23,617. Now, I must ask you—the people of this neighbourhood in which you live—the neighbourhood of Charlville—if there had been a fair abatement given for the bad years of 1878 and 1879, do you think the country would have been quite quiet and peaceful?—Well, I think so.

23,618. I do not know whether there had been any serious outrage in your immediate neighbourhood or not?—No, there was not, only what was committed on myself.

Re-examined by the ATTORNEY-GENERAL.

23,619. Were you a member of the Land League at the time you were fired at or not?—No, I was not.

(*Sir C. Russell.*) It was not the Land League.

23,620. (*The Attorney-General.*) Well, you have so very often called it the Land League yourself. Were you a member of the National League at the time you were fired at?—I was not a member of the National League.

(*The Attorney-General.*) I have to interpose a witness now, my Lord.

JAMES WALSH sworn; examined by the ATTORNEY-GENERAL.

23,621. In the month of December 1887 were you appointed secretary of the Kiltteemogh branch of the National League?—I was.

23,622. Is that in county Mayo?—It is.

(*Sir C. Russell.*) This is exceedingly inconvenient. We are trying this under very great difficulties, having no notice of the witness or the subject-matter of the evidence we are trying as well as we can to follow it, but if we jump from Cork to Mayo I do not know where we are.

(*Mr. Reid.*) We are trying to prepare ourselves for the county we are upon.

(*The Attorney-General.*) As far as I possibly can I keep to particular counties. I am obliged to interpose this witness, my Lord.

(*Mr. Lockwood.*) My friend says he is obliged to interpose the witness he withheld, we ought to have some consideration shown us as well.

(*The President.*) I am sure you shall have all consideration we can give you, and I consider you have had some consideration. We will endeavour as far as we can to reconcile your conflicting views, but if the Attorney-General says he desires to interpose a witness we will see what his reason is and then we will deal with it.

23,623. (*The Attorney-General.*) Before you had been secretary had you been in the habit of attending their meetings?—Yes.

23,624. Do you remember a man named Michael Coleman by name?—I do.

23,625. Do you remember in October 1887 or thereabouts?—I do.

(*Sir C. Russell.*) Do not lead.

23,626. (*The Attorney-General.*) Do you remember a resolution being passed referring to Michael Coleman?—Yes.

23,627. When was it?—Some time ago; some time before December 1887.

23,628. What was the resolution?

(*Sir C. Russell.*) Wait for a moment. If it be put as a resolution we certainly ought to have some further evidence about it than this.

(*The President.*) You mean something in writing?

(*Sir C. Russell.*) Yes, if it has been put in that form.

(*The President.*) Well, if it be in such a form that it can be produced—but at present he stands before us as the secretary of the branch, and of course he can give evidence of anything that occurred.

23,629. (*The Attorney-General.*) Do you remember any resolution being passed; I do not mean entered in a book, but verbally, respecting Michael Coleman?—Yes, I do.

23,630. What was it?—That Coleman was to be boycotted.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

23,631. Why?—For having taken an evicted farm.

23,632. Do you remember shortly after that Michael Coleman coming to Killeenagh?—I do.

23,633. Did you see any people do anything on the day he came to Killeenagh?—I saw some of the members of the League following him from shop to shop.

23,634. Who were they?—There was Andrew Walsh and Con Jordan and Pat Henry.

23,635. Anybody else?—A few others.

23,636. Do you remember the other names?—No.

23,637. You remember three of them?—Yes.

23,638. How many were there altogether?—There was about eight or nine.

23,639. You said they were members of the League. Had those men been present when the resolution was passed?—They had.

23,640. Did you go round with them?—I did.

23,641. What did they say? Did you hear them say anything in your hearing at the shops?—They told those people that that man was boycotted, and not to supply him.

23,642. Now, did that man get any goods?—Not that day.

23,643. Now, had these men, whose names you had mentioned, any position in the League?—They were members of the committee.

23,644. Do you know, from having attended the meetings, whether the committee had anything to do—any duty given to them?—Some of them were to look after those men that were boycotted.

23,645. What do you mean, look after them?—To watch them, and not allow them to get any goods in the town.

23,646. Did you know a man named Patrick Hyland?—I did.

23,647. What was he?—He was the treasurer of the Land League.

23,648. Do you remember Patrick Hyland bringing forward any proposition at a meeting of the League?—No, sir.

23,649. Do you remember Patrick Hyland making a proposal, something about a notice?—I remember him making a proposal in his own house.

23,650. What was going on in his own house?—There were some of them members of the committee present.

23,651. What did Patrick Hyland propose?—He said that notices should be put up about Mr. Hughs' getting the agency on the Taaffe property.

23,652. What sort of notices?

(*Sir C. Russell.*) What was said, please?

(*The Attorney-General.*) Did he say anything as to what sort of notices?

(*Sir C. Russell.*) Do not lead him.

23,653. (*The Attorney-General.*) What sort of notices. Was anything said about any sort of notices?—Yes, there was.

23,654. What was it?—That the notice should be sent out telling the agents on the property not to vote for him.

23,655. Did you write them out?—I did.

23,656. How many did you write out?—About six.

23,657. Who told you to write them out, or did anybody tell you to write them out?—Hyland.

23,658. What did you do with them when you had written them out?—I put up some of them, and Hyland put up the remainder.

23,659. When you say you put them up do you mean stuck them up on the walls?—Yes, put them up on the walls.

23,660. Where did you stick them up?—One on the Market Square.

23,661. And where else?—Another one a little distance from my own house.

23,662. And anywhere else?—Another one in the opposite direction, on the opposite side of the street.

23,663. Tell us what was in that notice?—That any tenant that would vote for Mr. Hughs, that evicted a man, he would get some of the Lynch laws.

23,664. Tell us who was the secretary of the Killeenagh branch before you?—A man named James Regan.

23,665. Did you succeed him?—I did.

23,666. Was there a property called the Ormsby property?—There was.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

23,667. Do you remember a meeting at Kiltteemogh which was dispersed by the police?—I do.

23,668. When was that?—Some time in December.

23,669. What year?—In 1887.

23,670. Did you know a gentleman named Father O'Hara?—Yes.

23,671. Did you know a man named Charles Burke?—Yes.

23,672. Had they anything to do with the League?—Yes, they had.

23,673. What were they?—Father O'Hara was president and Charles Burke was secretary.

23,674. What branch was that, do you know?—Kiltteemogh branch.

23,675. I think that is the same branch you were secretary?—It was.

23,676. Were you still secretary, or was there more than one secretary, or what?—There were two secretaries.

23,677. Was there another property called the Tuey property?—There was.

23,678. Shortly after that meeting was dispersed were you present at a League meeting?—I was.

23,679. How long after you have given December 1887. How long after the meeting that the police dispersed was the meeting of the League?—About a week.

23,680. Now, at that meeting of the League, did you hear anybody propose anything?—I did.

23,681. Who?—A man named James McMillan.

23,682. Tell me anybody that you remember that was present at that meeting?—I do not remember anybody.

23,683. Was Father O'Hara there?—Yes, he was.

23,684. Was Charles Burke there?—Yes, he was.

23,685. Were there any of the other men you know, Walsh or Henry, or Jordan present?—I am not sure whether they were or not.

23,686. What was it McMillan proposed?—That those tenants who had not joined the Plan of Campaign should be visited and made do so.

23,687. Was it said who was to visit them?—No, sir.

23,688. Now, were there some tenants of the Condorgher estate?—There were.

23,689. Is that the same as the other two, or a third estate?—The same.

23,690. The same as the Ormsby and Tuey?—Condorgher was in the Ormsby property.

23,691. Do you remember anything being said or being proposed at any Land League meeting about the Condorgher tenants?—Yes, it was said some of them had not joined the Plan.

23,692. Was that at the same meeting or another meeting?—The same meeting.

23,693. Was there anything said as to what was to be done to these men?—There was.

23,694. What?—That the doors were to be burst in, and that they should be frightened up.

23,695. Anything else?—That is all I can remember.

23,696. Was there anything said as to who should do it?—No, sir, there was not.

23,697. Now, do you remember a meeting of the League after that?—I do.

23,698. How long after?—About a week or a fortnight.

23,699. Can you tell me who were present then?—I do not remember.

23,700. Try and think—try and remember—do you remember whether Father O'Hara was there?—He was.

23,701. Did you hear a statement made at that meeting by anybody to Father O'Hara to these Condorgher tenants?—Yes.

23,702. What was the statement?—I heard a man named James McMillan saying that he visited the houses of those tenants, and that they were to pay into the Plan after Thursday.

(*Sir C. Russell.*) When was this?

(*The Attorney-General.*) He said it was a League meeting about a week or a fortnight after the other.

23,703. Now listen to me carefully; did any other men make any statements about visiting, at that same meeting?—They did; a man named John Flannery.

23,704. Anybody else?—That is all I remember.

23,705. Try and think. Was there a man named Thomas Reany, the younger, there?—I do not remember.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

23,706. What did Flannery say?—He said that he visited the houses too, and that they were to pay in after Thursday.

23,707. Do you mean he spoke separately from McMillan, or that he said he went with McMillan?—He said he went with McMillan.

23,708. Was there anything said as to whether any others had gone there or not?—I do not remember.

23,709. Do you remember a man named Patrick Walsh?—I do.

23,710. Where did he occupy—where was the land he occupied?—He was on the Ormsby property.

23,711. Is that a place called Avoney?—It is.

23,712. Do you remember at any League meeting Patrick Walsh's name being mentioned?—I do.

23,713. Was it a meeting of the same or before or after the one I have been asking you about?—The one after the one.

23,714. Is it the same meeting at which McMillan and Flannery made a report or the one afterwards?—The same meeting.

23,715. Who mentioned Patrick Walsh's name?—McMillan.

23,716. What did he say?—He said that Walsh would not join the Plan of Campaign.

(*Sir C. Russell.*) This is in reference to the Plan of Campaign. I must ask your Lordship about this, this is the question that has been raised before my Lord, there has been an undertaking by my friend with reference to this that he could prove the statement he has made, that there are statements on the subject.

(*The Attorney-General.*) So I did, and I will make good my statement, but I may prove this as part of this continuous practice.

(*Sir C. Russell.*) I submit that there is no allegation whatever in any of these proceedings founded upon, or in reference to, the Plan of Campaign, and I respectfully submit to your Lordship that unless my friend can justify the statement that he has made that there are statements on that subject, this ought not to be gone into.

(*The Attorney-General.*) With regard to that I have prepared myself in consequence of what I said, but I will ask that the discussion may not be taken now in the presence of this witness.

(*Sir C. Russell.*) My friend has done so often.

(*The Attorney-General.*) I have given my promise once, and I am prepared to do it at any convenient time; but may I point out to your Lordship that I began with this witness with reference to the action of the National League in the end of 1887, which is of course after the time of the actual publication. I am dealing with it to show what the conduct of the National League was; and I respectfully submit that with reference to that notice of intimidation being carried out by the members of the committee, it does not matter for the purposes we are dealing with—the particular case—I am only showing what was the conduct of the National League.

(*The President.*) I have no doubt that the evidence is admissible. Any question that bears upon that point which has been kept in reserve we will attend to hereafter, but this evidence is admissible.

(*Sir C. Russell.*) This is after the publication in question.

(*The President.*) What publication?

(*Sir C. Russell.*) The allegation in question.

(*The President.*) You mean after the action.

(*Sir C. Russell.*) After the publication of the libels which was the foundation of these allegations.

(*The President.*) Not after the passing of the Act under which we sit?

(*Sir C. Russell.*) Oh, no.

(*The President.*) Then we are of opinion that any evidence as to the conduct of these persons charged under this head through their connexion with the Land League is admissible?

(*Sir C. Russell.*) I only wished to formulate the objection, and make clear the grounds on which I am objecting. I say that the allegations against individuals—the charges and allegations against certain persons into which you are inquiring, are founded upon certain libels, and those libels form the subject of the allegations and charges in the action of *O'Donnell v. Walter*, and that it is not open to your Lordships to go into any matter subsequent to those libels, to the publication of which we are inquiring into.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

(*The Attorney-General.*) This is long before *O'Donnell v. Walter*.

(*Sir C. Russell.*) You have not followed my objection. They are neither a charge nor an allegation in *O'Donnell v. Walter*.

(*The President.*) What is the date?

(*The Attorney-General.*) December 1887, the particular matter I am on now.

(*Sir C. Russell.*) He began with December 1887.

(*The Attorney-General.*) No, he joined the meeting.

(*Sir C. Russell.*) My learned friend is now inquiring into 1888.

(*The Attorney-General.*) It is a matter that goes into 1888.

(*Sir C. Russell.*) He said the meeting was at the end of 1887, and the League meeting was a week or a fortnight after.

(*The Attorney-General.*) The date of the publication was in March and April 1887. I say at once it was alleged, as your Lordships will see, in these alleged libels that the National League was pursuing a continuous policy at this time.

(*The President.*) I only want to get full comprehension of the nature of Sir Charles Russell's objection, and I understand it to be that this was after the publication of *Parnellism and Crime*; and how was it with reference to the *O'Donnell* case?

(*The Attorney-General.*) It was six months before *O'Donnell v. Walter*.

(*Sir C. Russell.*) The connexion of events is this: I do not want to be obtruding myself upon the notice of the Court more than necessary, but I have to discharge my duty. My allegation is this: the libels were published up to March 1887, I am told there was one in April 1887, to be accurate I may as well mention that. The charges and allegations in *O'Donnell v. Walter* were founded and founded only upon and in reference to those libels so published, and, therefore, I say that the only matters which your Lordships can inquire into, within your jurisdiction, are the charges and allegations made in *O'Donnell v. Walter*, which were restricted and were founded upon the libels published, the last one in April.

(*The President.*) I quite understand the objection now I have the dates, but this is a point which does not arise for our consideration now for the first time. We are of opinion that our inquiry certainly extends to all charges and allegations which were made in the course of the trial of *O'Donnell* against *Walter*.

(*Sir C. Russell.*) I say so.

(*The President.*) Yes; therefore the charges against these several persons in their connexion with the Land League would all be admissible under that head.

23,717. (*The Attorney-General.*) Just to get the date right again, I think you said there were two meetings on Sundays after the meeting which the police dispersed?—So there was.

23,718. At the first one it was proposed to visit this man, and on the second one, McAllin reported what had been done?—Yes.

23,719. Was it at that second meeting that Patrick Walsh's name was mentioned?—No, the meeting after that.

23,720. Well, the third, that would be the next Sunday. I think you said that McAllin said that Patrick Walsh would not join the "Plan"—you told us that?—Yes.

23,721. Did any members of the committee or any persons at that meeting say anything as to what was to be done in consequence?—They said he was to be boycotted.

23,722. Anything else?—That is all I remember.

23,723. Are you sure, now think?—I do not remember anything more.

23,724. Do you remember being at Hyland's house a few days after this?—I do.

23,725. Who was there?—A man named Charles Burke, Hyland, and myself.

23,726. That is the same man Hyland, the treasurer, and Burke, the secretary?—Yes.

23,727. Did Hyland say anything to you?—He said when Walsh did not join the Plan of Campaign that he should be threatened.

23,728. Was anything said as to who was to threaten him, or who would threaten him?—There was not, sir.

23,729. Did you see Burke at the League rooms on the next Sunday?—I did.

23,730. Did Burke say anything to you?—I do not remember.

23,731. Now, think; did he say anything to you about Walsh, or anything that he had done?—I do not remember, sir.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

Cross-examined by Sir C. RUSSELL.

- 23,732. What age are you, my boy?—About 19, sir.
 23,733. What are you?—I am a shopkeeper's son.
 23,734. What is your father's name?—Henry Walsh.
 23,735. And what is he?—He is dead now.
 23,736. When did he die?—He died some time about 1878 or 1879.
 23,737. Does your mother carry on the shop?—She does.
 23,738. What business is the shop?—Sell groceries and flour.
 23,739. A public-house?—No, sir.
 23,740. No license?—No.
 23,741. And where do you live?—I live in Killeemogh.
 23,742. That is a village?—It is a little town.
 23,743. About how many houses or population?—There is over 300 or 400 houses in it.
 23,744. Were you ever secretary of any branch of the League at all, or was it merely that you helped the secretary?—I was secretary to the League.
 23,745. Sole secretary?—Yes.
 23,746. The only secretary?—There were two secretaries altogether.
 23,747. Were you joint secretary with somebody else?—Yes, I was joint secretary.
 23,748. The whole time?—Yes.
 23,749. Who was the joint secretary with you?—Charles Burke.
 23,750. The whole time?—Yes.
 23,751. Just give me the date again when you say you were joint secretary with Charles Burke?—I was appointed along with him in December 1887.
 23,752. How long did you continue to act?—I continued till the latter end of January.
 23,753. Till January 1888?—Yes.
 23,754. January of this year?—January of 1888, yes, sir.
 23,755. Did you resign then, or what?—I did.
 23,756. You resign, or were asked to resign, which?—I gave it up.
 23,757. Without being asked?—That is it.
 23,758. Why did you give it up?—Because I did not think it worth while to be attending there.
 23,759. You did not think it worth while to be attending there?—Yes.
 23,760. Is that what you said?—That is what I said.
 23,761. Who continued after you resigned to act as secretary, if anybody?—Charles Burke.
 23,762. And he is, as far as you know, the secretary now?—He is.
 23,763. What is he?—He is a farmer.
 23,764. A farmer or a farmer's son?—He is a farmer.
 23,765. A farmer himself?—Yes.
 23,766. Living in Killeemogh?—Yes.
 23,767. Are there two places of the name of Killeemogh in Mayo?—No, only one place.
 23,768. Did you know a man named Michael Brennan?—I did, sir.
 23,769. Was he secretary at any time?—He was.
 23,770. When?—Some time in 1881 or 1882.
 23,771. And when did he cease?—I do not rightly remember when he ceased.
 23,772. Is he living at Killeemogh now?—He is living about a mile out of the town.
 23,773. In the neighbourhood?—Yes.
 23,774. About when do you say he ceased?—I do not rightly remember when he ceased.
 23,775. Who was the secretary before?—A man named James Regan.
 23,776. And before him?—I do not know who was before him.
 23,777. When did you join this Land League or National League?—I did not join it until I became secretary.
 23,778. That would be in December 1887?—Yes.
 23,779. You are sure you joined it in December 1887?—Yes.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

23,780. And were you immediately appointed joint secretary with Charles Burke?—I was.

23,781. The day you joined it?—I did not join it till the Sunday after—the Sunday after that.

23,782. Well, in December?—Yes.

23,783. When were you first asked to come here and give evidence?—I was asked about two months ago.

23,784. Who asked you?—The district inspector.

23,785. What was his name?—Mr. Allan of Swinford.

23,786. Was he stationed in the neighbourhood of Killteemogh?—He was stationed in a place called Swinford, about five miles from Killteemogh.

23,787. Did he come to you, or send some policeman to you in the first instance?—He sent a policeman to me.

23,788. Who was the policeman?—A man named O'Connor.

23,789. Do you know his other name?—Francis O'Connor.

23,790. Is he a constable, or sergeant, or what?—He is a constable.

23,791. Constable Francis O'Connor?—Yes.

23,792. And when did constable Francis O'Connor come to you?—It was on the Thursday.

23,793. About two months ago, do I understand you to say?—Yes, somewhere about that.

23,794. Did he bring a paper from the district inspector?—No; he only told me that the district inspector wanted to see me.

23,795. Where did he want to see you?—In the court-house.

23,796. Then he was at the court-house?—Yes.

23,797. And did you then go to the court-house?—I did.

23,798. And saw him?—Yes.

23,799. Was there anybody in the room with you but yourself and him?—That is all.

23,800. And did he then ask you questions?—He did.

23,801. Did he write down anything you said?—He did.

23,802. Did he read over to you anything that you did say?—He did.

23,803. Did you tell him all you knew, or professed to know?—I did.

23,804. Did he send for other people as he sent for you?—I do not know.

23,805. Did you not learn whether he had sent for other people as well as you?—I did not.

23,806. Did you ask O'Connor?—I did not.

23,807. Before you gave your evidence here to-day did you see anybody else besides Constable Francis O'Connor and District Inspector Allan?—I did.

23,808. Where?—In Mr. Soames' office.

23,809. Did you see anybody before you came there?—No.

23,810. Who brought you there?—I do not know who was the man who brought me there.

23,811. Was he a constable or a friend of yours?—I do not know what he was.

23,812. Where did he bring you from?—From the "Balmoral" Hotel.

23,813. Did you give your statement of your evidence to Mr. Soames?—No.

23,814. What were you brought there for?—Just the statement was read over to me that I had made to Mr. Allan.

23,815. The statement was read over to you that you had made to District Inspector Allan?—Yes.

23,816. Then are the police and district inspectors looking up witnesses for the *Times*, as far as you know?—I do not know.

23,817. They looked up you at all events?—They did, sir.

23,818. I should like to ask you in order that we may understand where we are. You have spoken of Father O'Hara?—Yes.

23,819. What was he?—He was president of the League at the time; I was secretary.

23,820. What was he as clergyman, was he parish priest or curate?—Parish priest.

23,821. Do you recollect when a vacancy in the bishopric took place in the diocese of Tuam, some time ago?—I do.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

23,822. Was this Father O'Hara, whose name you have mentioned, elected by the majority of the parish priests to be sent forward for the bishop?—He was.

23,823. Do you know his handwriting?—I do not.

23,824. Was there any charge made against you in relation to the funds of the League?—I do not remember. I do not know, sir.

23,825. Is it you do not remember, or you do not know?—I do not know.

23,826. Did you never hear that there was a charge against you of pilfering the funds of the League?—I did, sir, I heard it was said.

23,827. When did you hear it?—I heard it about a fortnight or three weeks ago.

23,828. How much was it said you had pilfered?—10s.

23,829. Was it true?—It is true, sir.

23,830. Were you president of the Juvenile Athletic Club at Killtemagh at the beginning of this year?—I was.

23,831. Was it charged against you that you had pilfered some of the funds of that club?—It was.

23,832. Were you expelled?—I believe I was.

23,833. Were you agent of a plate glass insurance company?—I was.

23,834. Did you insure your mother's windows?—I did.

23,835. Did you represent that your mother's windows were broken, and that they were plate glass?—I did.

23,836. And did you upon that make a claim upon the company?—I did, sir.

23,837. Was your claim found to be fraudulent, and were you dismissed from your agency?—I was.

23,838. And was the claim fraudulent?—It was, sir.

23,839. Were you afterwards appointed agent for a life insurance company?—I was.

23,840. What was the name of the company?—The "Gresham."

23,841. Did you represent that Mr. P. Smyth, the editor of the *Western People*, wanted to get his life insured for 500*l.*?—I did.

23,842. If that was true, would you have been entitled to get a commission on the premium?—I would.

23,843. Was it true?—It was not true.

23,844. Mr. Smyth knew nothing about the matter at all?—He did not, sir.

(*Sir C. Russell.*) My Lord, this is a letter handed to me as you may have seen when I was in the act of cross-examining.

Cross-examined by Mr. REID.

23,845. I should like to ask you a question; what is your employment at present?—I have no employment at present.

23,846. What is the reason you have got to go back to Ireland so soon?—I do not know.

23,847. How long have you been in London?—Only since last night.

23,848. Is there any reason why you should not have stayed here for another week or another fortnight?—I do not know what is the reason.

23,849. Did anybody tell you any reason why you should be called at the present time?—No, they did not.

23,850. Did you ask to be called at once for any particular purpose?—No, I did not.

23,851. In fact you have got nothing in particular to do?—Nothing.

23,852. How much money did you get when you came?—I got 5*l.*

23,853. How much are you to get?—That is all that I heard I was to get.

23,854. Have you got no expectations of anything more?—No.

23,855. One other question; you have stated about the priest of your district and about other people that they were present when outrages were discussed and proposed?—Yes.

23,856. You assert that?—Yes.

23,857. Can you give me the names of the persons whom you will swear were present when anything of the kind took place. The Attorney-General, I do not complain of him, has suggested names to you. You said you did not recollect at first;

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

tell me the names of the men who were present?—There was a man named James McAllin.

23,858. Who else?—John Flannery.

23,859. Who else?—That is all I recollect.

23,860. Was Father O'Hara present?—He was.

23,861. On more than one occasion?—Well, I do not know—he was.

23,862. Anyone else?—That is all I remember.

23,863. Were there many persons there, although you do not recollect their names?—There were a great many persons there.

23,864. Before this police constable had communicated to you had you any communication with the police yourself?—No, sir, never.

23,865. None?—No, none.

Cross-examined by Mr. MICHAEL DAVITT.

23,866. When you were sent for by this policeman was any threat used to prosecute you for your dishonesty if you would not give evidence?—There was.

23,867. Was that threat used by the district inspector, or by O'Connor?—By the district inspector.

23,868. Will you kindly tell their Lordships what the threat was?—He said he did not know what would happen to me about this insurance company.

23,869. That he did not know what would happen about this insurance company if you did not come and give evidence here?—That was not stated.

23,870. That is what he stated?—He did not state that.

23,871. What did he state?—He said he did not know what would happen about that insurance company.

23,872. But you took that as a threat?—I did.

23,873. Do you know whether your mother was visited before this by any policemen?—I do not know.

23,874. Are you sure that she was not visited?—I am not certain; I was not informed about it if she was.

23,875. Does your mother place any confidence in you?—She does.

23,876. To a limited extent, I suppose?—I do not know.

23,877. Would she be likely to tell you if she was visited by a policeman?—She would, of course.

23,878. After the district inspector referred to the insurance company, what else did he say?—That is all he said about the insurance company.

23,879. What did you say to the district inspector when he referred to the insurance fraud?—I did not say anything at all.

23,880. You simply volunteered to come and give evidence?—Yes.

23,881. After he had used this threat against you?—Yes.

23,882. What question did he ask you after that?—He asked me all I knew about the League while I was secretary.

23,883. Did he mention names to you, or did you volunteer to give the names; did he mention names to you first?—No, I do not remember him mentioning any names.

23,884. Did he mention James McAllin's name to you?—I do not remember.

23,885. Will you swear that he did not suggest the name of James McAllin to you first?—I do not remember whether he did or not.

23,886. Then your memory is not very clear upon that point?—No, it is not.

23,887. Did he mention Father O'Hara's name to you?—No, he did not.

23,888. Did you volunteer to tell him about all you knew about Father O'Hara's connexion with the League?—I volunteered to tell him all I knew about the League while I was secretary.

23,889. Who accompanied you to London?—No one at all but myself, a policeman came as far as Dublin with me.

23,890. What policeman?—O'Connor.

23,891. Did he travel with you in the same carriage?—He did.

23,892. Who gave you the 5*l.* note?—I do not know who he was, he was a strange man.

23,893. Was he an elderly man?—Yes.

23,894. With white hair?—His hair was grey.

5 Dec. 1888.]

JAMES WALSH.

[Continued.]

- 23,895. Did you ever hear of the name of George Bolton?—I did.
- 23,896. When did you meet him?—I did not meet him anywhere until to-day I met him.
- 23,897. Where did you meet him to-day?—I met him at Mr. Soames' office.
- 23,898. Was it to Mr. Bolton you made the statement?—It was not.
- 23,899. What did Mr. Bolton ask you?—He only read from the statement I had made to Mr. Allan.
- 23,900. He read over the statement to you that you had made to Mr. Allan?—Yes.
- 23,901. Did he suggest any names to you that were not mentioned in the statement that was made to Mr. Allan?—No, he did not.
- 23,902. About this journey from Balla to Dublin with O'Connor, the policeman, did he speak about this commission to you coming up to Dublin?—No, he did not.
- 23,903. Did he say nothing to you at all?—No, he did not, because there were a lot in the same carriage with us.
- 23,904. Because there were some people in the same carriage?—Yes.
- 23,905. Where did you go to when you came to Dublin?—I did not pass the railway station.
- 23,906. Did you stay one night in Dublin?—No, I did not.
- 23,907. He came with you to the boat?—He did.
- 23,908. Did James McAllin help to expose your dishonesty?—I do not know.
- 23,909. Do not you believe he did?—I do not know.
- 23,910. Will you swear he did not?—I could not swear it.
- 23,911. Do you believe that he did?—I do not know whether he did or not; I could not say.
- 23,912. What members of the League were instrumental in exposing your dishonesty?—I do not know who they were, I only heard it was mentioned.
- 23,913. Who told you it was mentioned?—I heard it from a man who was in the League.
- 23,914. What was his name?—Pat Carroll.
- 23,915. Is he living in Killtemagh now?—No, he is living in the neighbourhood.
- 23,916. You saw the statement you made to Mr. Allan this morning.

Re-examined by the ATTORNEY-GENERAL.

- 23,917. When did you do this misconduct about the insurance company. When was it?—I do not rightly remember when it was.
- 23,918. How long ago was it?—About seven or eight months ago. Twelve months ago.

JEREMIAH BUCKLE SWORN; examined by Mr. GRAHAM.

- 23,919. Can you hear me?—You must come near me or I cannot hear what you say.
- 23,920. Where do you live?—I live in the Co. Cork, in Ballyvorreen.
- 23,921. In 1881 were you a tenant on Sir George Colthurst's estate?—I was.
- 23,922. And you are now?—I am, sir.
- 23,923. In that year were the tenants asking for a reduction in their rents?—They were.
- 23,923a. How much?—4s. in the pound.
- 23,924. And what did the landlord offer?—3s.
- 23,925. Three shillings in the pound reduction?—Yes.
- 23,926. Did you pay your rent with 3s. reduction?—I did.
- 23,927. Was there a branch of the Land League at your place at the time?—I do not know, I do not recollect.
- 23,928. Do you not know whether there was a Land League branch in your village?—I do not know whether there was at that time or not, I could not tell you about it.
- 23,929. You had nothing to do with it?—I had nothing to do with it.
- 23,930. After you had paid your rent, did some men come to you in the night?—They did.
- 23,931. How long after you had paid your rent?—I could not tell you.

5 Dec. 1888.]

JEREMIAH BUCKLE.

[Continued.]

23,932. But about?—I could not tell you what time—after the time they came to me.

23,933. Was it a week or a month, or three months?—Indeed, I could not say.

23,934. Did they come into your bed-room?—They did.

23,935. Were you and your wife and three children sleeping in that room?—We were.

23,936. What did they say to you?—They did not say much to me.

23,937. Did they say anything to you about your rent?—They said nothing about my rent only, they asked me what I had done, and I said nothing.

23,938. They asked you what you had done about what?—They said no more to me, only told me to come out of bed.

23,939. What did you say?—I said nothing at all to them, and they asked me what I had done. I said nothing at all, and then they told me to come out of bed, and I did.

23,940. When you got out of bed, what did they do to you?—Two of the men took me by the two hands and took me out of the door, and there was a man standing in the door, and he had a scissors, and he pulled it out and he cut a bit of my ear off.

23,941. Which ear?—The right ear.

23,942. What sort of scissors were they?—I do not think the scissors were good ones.

23,943. Not very good ones, do you say?—No.

23,944. Did it take some time, cutting this bit out of your ear?—Yes.

23,945. Did they do anything else to you?—They did not.

23,946. Had they got a furze bush with them?—Well, they had a furze bush.

23,947. What did they do?—I could not say they did anything to me with the furze bush.

23,948. Nothing but cutting your ear?—No.

23,949. Were the men disguised?—Yes, they were.

23,950. How?—Painted white, black, and red.

23,951. Had you done anything, or do you know of any reason why they should have visited you, except that you had paid your rent?—I did not know anything in the world about it, only that I had paid my rent.

Cross-examined by Sir C. RUSSELL.

23,952. Will your Lordship allow the witness to come here. (*The witness was allowed to leave the witness box and to stand by the Queen's Counsels' row.*) I think you said it was your right ear?—It was.

23,953. Partly cut?—It was.

23,954. How long had you been a tenant on this Colthurst property?—Well, I was a tenant there, and my father he was before me.

23,955. And your grandfather probably before him?—Yes, my grandfather was before him too.

23,956. Did you always try to pay your rent like an honest man?—What is that?

23,957. Did you work hard and try to pay your rent?—I have not paid my rent at all, only——

23,958. What?—Well, I do not understand half what you are saying.

23,959. Have you been a hard working man—have you worked hard yourself?—I have worked hard myself.

23,960. Did you try and make the rent?—Yes.

23,961. Are you now an evicted tenant?—I am not.

23,962. Are you not in as caretaker?—I got——

23,963. A notice?—Yes, a notice.

23,964. A notice making you a caretaker?—Yes, I was not evicted.

23,965. You were not actually put out?—No.

(*Sir C. Russell.*) My Lord, under a recent statute, as your Lordship is aware, that is so.

23,966. Now the tenants wanted a reduction of 4s. in the pound?—Yes.

23,967. Now tell the Court, do you think that was a fair and honest reduction to ask for?—I think it was.

5 Dec. 1888.]

JEREMIAH BUCKLE.

[Continued.]

23,968. Do you think the tenants could honestly pay more?—I do not think they could.

23,969. Was there any Land League at all that you know of in your neighbourhood at the time this outrage was committed on you?—Well, there would be a Land League unbeknown to me, because I am far from the place, and I had a farm, and I was attending to it every day all the year, and I must be there from Monday to Saturday.

(*The President.*) What did he say.

23,970. (*Sir C. Russell.*) He said “there may be a Land League there unbeknown to me.” Have you ever said this Land League had anything to do with the outrage?—I take my oath that the Land League had never come into the house.

23,970a. That the Land League had never come into the house?—

(*The Attorney-General.*) That is not what he said.

(*Sir C. Russell.*) What he said was he could take his oath that the Land League never came into his house.

(*The Attorney-General.*) He added about being boycotted.

23,971. (*Sir C. Russell.*) And he said if the Land League had come to him he would be boycotted. Were you ever boycotted?—No.

23,972. What was the rent of your farm when you came in after your father?—When I came after my father it was 38*l.*; 39*l.*

23,973. Had it been raised in your father’s time?—It had not been raised in my father’s time, but it had been raised in the time that I had it.

23,974. How often was it raised in your time?—It was raised twice; two levies.

23,975. When was the first levy?—Indeed I could not tell you the year, but it was raised twice on the tenants.

23,976. On you and the other tenants?—Yes; over the whole estate.

23,977. Was a Mr. Hussey the agent?—He was.

23,978. Was he the agent when the two rises or levies took place?—He was.

23,979. What was your rent before you got the abatement?—My rent was 39*l.*

23,980. What was it before it was raised?—Before we had the two levies, 39*l.*

23,981. (*Mr. Justice A. L. Smith.*) 29*l.*?—Yes.

23,982. How much did it get to?—38*l.*

23,983. (*Sir C. Russell.*) It was 29*l.* when you got it, and it went up to 39*l.*?—Yes.

23,984. The two levies?—Yes.

23,985. 5*l.* a time?—Yes.

23,986. When did you succeed to your father?—It is a long while ago.

23,987. A good while ago—how long ago were the rents raised?—I could not tell you that, I did not take it in my mind.

23,988. Have you a family?—I have.

23,989. How many?—Only seven.

23,990. Are they a young family?—They are, all but two.

23,991. All but two, young children?—Yes.

23,992. Have you any means of living except what you can make out of the land?—The devil a bit, only what I can make of the land.

23,993. Do you recollect the bad years of 1878 and 1879 when the potatoes failed?—I do, right well. I was better off at that time than I am to-day.

23,994. You had had some good seasons before that?—Indeed, I had.

23,995. Well now, what kind of potatoes had you that year—1879?—I could not tell you.

23,996. I am talking of the years the potatoes failed?—Well, I think the failure was 1877, or 1878 was the first year, and 1879 we had not a bit.

23,997. What do your family and children live upon—what is your food?—Indeed they have not any good food, I can tell you that.

23,998. What do they live upon?—They live upon potatoes while we can have them. They have everything from the house that we can buy.

23,999. They live upon potatoes as long as they last?—Yes.

24,000. And Indian meal when you cannot get them, I suppose?—Yes.

24,001. I suppose you have a joint of roast meat every day?—What is that?

24,002. Do you see fresh meat often?—Fresh meat, be gad, I do not.

24,003. I must ask you, do you have fresh meat more than two or three times a year?—I do not; or any time of the year.

5 Dec. 1888.]

JEREMIAH BUCKLE.

[Continued.]

24,004. Now tell us about these rises or levies of the rent?—Yes.

24,005. Sir George Colthurst was the landlord?—Yes.

24,006. Did he ever lay out any money on your land, or did you do all that was done upon it yourself?—He laid out some money, but not on my land.

24,007. Do you recollect whether that was in relief work?—Yes.

24,008. Government money, as it was called?—Yes.

24,009. Now, except that which you say was not laid out on your land, did he ever lay out one halfpenny upon your land, did he ever lay out any money upon the land? Never.

Re-examined by the ATTORNEY-GENERAL.

24,010. Have you been able to save any money?—Save any money I have not, and I do not have half enough.

Constable THADDEUS LAING sworn; examined by Mr. MURPHY.

(*Mr. Murphy.*) My Lord, this is evidence of certain outrages in the district of Ballydehob, which is in the south-west of Cork, your Lordship will find it near the sea coast.

24,011. Did you join the Skull district in October 1876?—Yes.

24,012. And left it in April 1883?—I left Skull for Ballydehob on the 28th June 1881; and I left Ballydehob for another station in that district, Goleen, in April 1883.

24,013. When you first went to Skull how many policemen were there there?—There were three.

24,014. And at Ballydehob?—Three more and a sergeant.

24,015. And were there any additions to the police force till 1880?—About November 1880 both stations were increased by six each.

24,016. Was there a Land League started in or prior to November in that district?—Yes, in Ballydehob.

24,017. What date?—Well, I cannot fix a date; but I think it was in either August or September 1880.

24,018. Who was the president of that Land League, to your knowledge?—Richard Hodnett, senior, was the recognised president.

24,019. And the secretary?—He was John Collins.

24,020. Was there a man named Henry Mahony connected with the League there?—Yes, a very active member.

24,021. What league?—The Land League.

24,022. At Ballydehob?—Yes, at Ballydehob, and lived there.

24,023. After the establishment of the League was the place as quiet as it had been before?—No.

24,024. What did you notice, if anything, about the condition of the district?—I noticed that threatening letters, which were new to that district, became very prevalent. Threatening notices I should have said; also some threatening letters. Some outrages also.

24,025. At that time had you heard the term “land-grabber” at all applied in that district?—Oh, it was unknown as far as I know. I never heard it.

24,026. Now, I will take you shortly over this part of the case. Do you remember Mr. Hodnett being arrested?—Yes.

24,027. In April 1881?—It was about the 25th April 1881.

24,028. Was there a large assemblage of people at that time in connexion with his arrest?—Not very large. I should say probably a hundred when we brought him out.

24,029. Did you see Mr. John O'Connor there?—No, but at Skibbereen I did. There was a large number at Skibbereen.

24,030. You had to take him to Skibbereen?—Yes, about 10 miles distant. He walked it all the road; he would not go on a car.

24,031. Where did Mr. John O'Connor appear?—At the railway station, Skibbereen.

24,032. About how many people came with him?—Well, I think they met us on the road out about a mile on the side of Skibbereen, a crowd of people with green banners, and all that, and they crushed us up, and when we got as far as the railway station, which was one side of the town, Mr. Hume, the district inspector, was there and he

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

wheeled us into the railway station. About that time I should say there was probably 300 or 400, perhaps it might be 500.

24,033. Did you hear Mr. O'Connor speaking to the people?—Yes, he got upon a porter barrel there at the railway station, and he addressed the people there.

24,034. Tell me what he said, as nearly as you can recollect?—Well, I recollect him saying, at all events, that he advised the people to return; that the train was not to start for some time, and for them to return to the town, and for them to go back in their thousands; and he spoke about the honour that was conferred upon Hodnett by being arrested under that Act, and said he would be better in prison, and things of that sort, than others who would be out of prison.

24,035. At or about the time of the departure of the train was anything done to the police by this mob or crowd?—There came a large mob. A much larger mob came then, immediately before the train did start, and there was a brass band there—the town band—and they had a copy of the warrant upon which Hodnett had been arrested. They had it framed, and the frame on the top of a large long pole, and when they came in upon the platform the person who carried it— We had Hodnett in the waiting-room, and there was a guard of police at the door, and I was one, and they thought of putting this thing in over our heads to rescue the prisoner; as I thought, and a scuffle ensued and the glass was broken.

24,036. Was anything done to the police?—Afterwards there was.

24,037. What was it, please?—On our return to the barraek at Skibbereen the band and the mob got immediately after us, and they began to pelt stones after us as we were going up the street, and the officer wheeled us into an archway in order to avoid the violence we were threatened with until they passed on.

24,038. I think Henry O'Mahony was arrested on the 4th June?—Yes, that is the day.

24,039. When he was arrested, did he make some speech?—He did from a top window in his house. He came out upon the window sill.

24,040. Had a Mr. George Swanston been fired at shortly before?—Yes, he stated he was fired at.

24,041. We will give evidence about that in a few moments. Did Mr. O'Mahony make any statements in which Mr. Swanston's name was mentioned?—Yes, he did. He referred to Mr. Swanston as "Yellow George," and attributed to him his arrest, and said he would be happier in his prison home than Mr. Swanston would be at Fortavoo. That was Mr. Swanston's residence.

24,042. On the 6th June what condition was the district of Skull in?—Large numbers of persons assembled in the town of Skull upon the night of the 6th, and they were very riotous during the night. They wrecked several houses there. We had to barricade ourselves in the barrack. They even did a great deal of injury to the barracks. The front windows were all broken, and the mortar on the wall was partly beaten down with stones. They brought down an effigy about 2 o'clock in the morning down the street—a blazing thing. It was made up of explosives. Now and again there would be an explosion, and I learnt afterwards that that was the effigy of a Mr. George Notter, J.P., who resided in the locality. He was a magistrate.

24,043. How long did the rioting continue?—It continued for about three days.

24,044. Was it found necessary to call out the Marines?—The Marines came down to Ballydehob next day after this rioting. I was not at Ballydehob, but I heard what occurred.

24,045. Tell us no more about it. I only wanted the fact. I do not know whether you produce the threatening notices and letters that were in the barracks?—There is one threatening notice, but I have not it in my possession, I initialed it. I saw it since I came here.

24,046. Have you it here now?—I have not, I think somebody else has it.

Cross-examined by SIR C. RUSSELL.

24,047. How long have you been in the police?—About 28½ years.

24,048. What countryman are you?—A Sligo man.

24,049. Where have you principally served?—I have served in Galway East, in Cork West, and now I am serving in Galway West.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

- 24,050. Then you have had a pretty wide experience of the country?—Fair.
- 24,051. You have never heard of land grabbing?—No.
- 25,052. You mean you never heard the expression?—No, I have no recollection of ever hearing it until the agitation.
- 25,053. But you knew the thing. You knew what was meant by land grabbing?—Oh, I do know now.
- 24,054. Did you not know before?—Well, I do not think I did.
- 24,055. Did you not know that land grabbing meant taking the farm of a man from which he had been evicted?—Yes, I do now.
- 24,056. As it was supposed because he was asked to pay an unfair rent?—Whether fair, or otherwise, if he was evicted and if he was taken.
- 24,057. And was it ever in your recollection a popular thing, in any part of the country where you have ever been, for a man to take an evicted farm under those circumstances?—Well, I do not think there was much about it up to the time of the starting of the League.
- 24,058. Please answer my question. Was it ever a popular thing in your recollection?—I do not remember whether it was popular or otherwise.
- 24,059. You say that?—I do.
- 24,060. Positively?—Well, that is my recollection.
- 24,061. Just look at me please; if you will for a moment. You say positively you do not know whether up to 1880 that was a popular thing or not?—Well, I am not aware.
- 24,062. You say that positively?—Yes.
- 24,063. Do you think it was a popular thing?—Well, I suppose it could not be popular.
- 24,064. Do not you know it was not popular?—As a matter of course it is not a thing which would be popular.
- 24,065. Well then, why do not you say so. So that, although you did not know the name land-grabbing, to which my friends appear to attach a great deal of importance, you know that the thing, however it was called, was not a popular thing?—Well, I suppose it could not be popular.
- 24,066. Now I must ask you a little more about that. Do you mean to say you have not known yourself land-grabbing, although you may not have heard the phrase suggested, as a cause of outrage and crime before 1880?—Well, I have no doubt. Taking a farm from which a person has been evicted I am sure would cause crime.
- 24,067. That is your experience extending over some years. Do you keep an outrage book at Ballydehob?—Yes, a station register of crime.
- 24,068. Is it here?—Yes.
- 24,069. Will you kindly let me see it. Before I look at these, just tell me where do they begin and where do they end?—As far as I am concerned, those are kept in my handwriting from the time I joined the Skull station. There are two books there, one for the Skull sub-district, another for the Ballydehob sub-district. When I was transferred to Ballydehob I had to go over the book there, and I kept it during my time there, and all that is in my handwriting while I was stationed in those two places.
- 24,070. (*The Attorney-General.*) What was the date of your transfer to Ballydehob?—28th June, 1881.
- 24,071. (*Sir C. Russell.*) I see this is different from the other cases we have had. I mean this book is in a different form. What I was asking you, which you have not answered, was, from what periods do these books extend?—I cannot state that. The date is on the front page there. If you will show me the book, I can tell you.
- 24,072. I see the book begins in 1871. Had you known cases of malicious injury to property before 1880?—Oh, yes.
- 24,073. Disorderly conduct?—Yes; all those things are what they call minor offences with us.
- 24,074. These books are minor offences?—No; indictable offences also come in there till, I think, about the year 1877 or 1878. There is a record there where it ends anyhow.
- 24,075. I want to ask you about that time in a moment. When was it you came to Ballydehob—1881, was it?—The 28th June 1881.
- 24,076. And in 1876 you were at Skull?—Yes.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

24,077. And remained there with the exception of a short interval till you went to Ballydehob in June?—Yes.

24,078. Skull was one of the most severely visited places in Ireland at the time of the great famine?—I heard it was in a bad state at the time of the famine; that numbers died there.

24,079. Buried wholesale, and coffinless?—Well, that is what I heard.

24,080. They tried to support life in themselves eating grass. I suppose you have heard that too; and sea-weed?—(No answer).

24,081. Did you hear in 1878 and 1879 talk amongst the people as to what looked like another bad famine at that time?—Yes; I think there was some want there in 1879.

24,082. The potato crop had practically failed, had not it?—Yes, it had failed to some extent.

24,083. To a large extent?—Well, I think so.

24,084. There was real distress?—There were some cases of distress; not what you may call general distress at all.

24,085. Very well, I must take your statement for the moment; at all events, there was real distress, although you say not general distress. Were there several relief committees going in the neighbourhood?—Yes.

24,086. Meal given out amongst them?—Yes.

24,087. Clothes also?—There were some by the rector's family.

24,088. And there was a town's relief committee?—Yes.

24,089. Did you find when you went to Ballydehob that there also had been great distress there in 1879?—Oh, the distress disappeared before then.

24,090. There were not any actual cases of starvation or approach to starvation?—No.

24,091. By the time you got there in 1881?—No.

24,092. Did you hear of the tenants in the neighbourhood of Skull demanding a rent reduction?—The cry was to get Griffith's valuation.

24,093. An abatement to bring the rent down to the valuation?—That is it.

24,094. And was that the cry as well as you recollect at Ballydehob?—The same. One is within four miles of the other.

24,095. Practically the same districts. When, so far as you know, did the landlords first make any abatement following the bad times of 1879; did they to your knowledge before 1881?—I could not say.

24,096. It is no part of your business, is it?—Well, it is not, but it is well for us to know everything that is going about.

24,097. Well, that is what I should have thought—the state of the people. The Land League was started at Ballydehob in August or September of 1880, as well as you can tell us?—Yes.

24,098. That is your impression?—I am satisfied that it was.

24,099. I am not questioning that for a moment. Did you hear of a large number of ejectment processes and processes for rent being out amongst the tenants?—I do not think they were in that locality.

24,100. Neither at Skull nor at Ballydehob?—I do not think so, sooner than about May. I think in May there were some served in the locality.

24,101. I think perhaps you misunderstand me. I am not talking of ejectment processes. I am not talking of evictions. I am talking of the preliminary steps to evictions?—Yes, those are the ones I referred to too.

24,102. Your impression is they were not general; there were not many?—No, there were not.

24,103. There were some, but not many?—There were a few in May, that is my recollection. There were a few served in May.

24,104. May of 1880?—May 1881.

24,105. Do you suggest there were none before that?—No, I have not the smallest recollection of any before that.

24,106. Do you mean to say there were not, or you do not know?—I do not think there were. That is my firm conviction, that there were none before that.

24,107. Any proceedings of any kind before May 1881?—No, none, as far as I recollect.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

24,108. I want to ask you about that point. The president was Richard Hodnett?—Yes.

24,109. What was Mr. Hodnett?—He had a small farm of land. He kept a shop a few years previous to this; a little bit of a shop.

24,110. Was he a man respected in the neighbourhood?—Well, there was something thought of him by his followers.

24,111. Was he or not a man respected in the neighbourhood?—Well, yes.

24,112. Was he the chairman of the board of guardians?—He was elected their chairman.

24,113. Then he was chairman of the board of guardians?—He was, yes, immediately before his arrest.

24,114. What was Collins, who was the secretary?—He was a small farmer also, living about four miles from Ballydehob in the country.

24,115. Was he a respectable man in a respectable class of life?—Well, I do not think there was anything against the man.

24,116. I ought to have asked you, had Hodnett been elected to the board of guardians? Your memory, of course, would not go so far back, but do you know he had in fact been a member of the board of guardians for some 40 years?—He was a member of the board. I know he was a poor law guardian for some time previous to his election as chairman.

24,117. He was a man advanced in years?—Yes, I should say probably about 60; it might be less.

24,118. And he had been, had he not, himself land agent for a portion—I do not know whether the whole—of the Swanston property?—I heard he was an agent then. It was some little property there, some minor thing.

24,119. And this gentleman, who you say was very active, Henry O'Mahony, what was he?—He was a returned American. He returned to that locality in my time, and he built a house there, and set up a shop.

24,120. He had made some money in America, and came back to the country?—Yes.

24,121. How long had he come back?—Oh, he was back a few years, I think, previous to his arrest.

24,122. I think you said O'Mahony was arrested, too?—Yes.

24,123. That is to say the president, and one of the most active members of the League?—Yes.

24,124. After Hodnett and O'Mahony were arrested, did things grow worse or better?—Well, I believe, they grew worse.

24,125. Much worse?—I think so.

24,126. You would expect that rather, would not you, that if the responsible heads, men who were respected by their neighbours, were removed, there would be less control over a popular movement of that kind?—I do not know. My idea of the matter was that the groundwork of this disorder was the League, before these two men were arrested. That was my idea on the matter.

24,127. Now, having delivered yourself of that opinion, of which I do not complain at all, I may ask you again to answer my question. Would you or would you not expect that the removal of the responsible and active men in connexion with the movement, who you say were respected by their neighbours, would be likely to increase the disorder?—I would not say that O'Mahony was respected by the neighbours at all.

24,128. I thought you did say so?—No, the other two.

24,129. Then I must put it hypothetically. Would you or would you not expect that the removal of the responsible heads of the local league would or would not be likely to increase disorder? Which would you expect?—Well, if the heads were disposed to prevent the commission of outrage, of course the removal would tend to increase the disorder.

24,130. You said a great crowd accompanied Hodnett, or rather met Hodnett, at Skibbereen?—Yes.

24,131. There was considerable popular excitement about his arrest?—Not a great deal in Ballydehob.

24,132. Skibbereen is where I am taking you to?—Well, there seemed to be in Skibbereen.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

24,133. That is what I am asking you, and Mr. O'Connor had the audacity to say that his arrest would do Hodnett honour in place of dishonour?—He said so.

24,134. Well, that was a very atrocious thing to say, no doubt, but are you aware or not that for years after persons had been arrested under the Act known as Forster's Act, that they signed their letters "ex-suspect," as if it were a title of dignity?—I do not know.

24,135. Have you known or not known such cases?—I have not known it.

24,136. You have not known they have signed their letters "ex-suspect"?—No, it has never come under my notice.

24,137. And written to the public press describing themselves so?—Yes, they may have done so.

24,138. Do you think in the popular estimation it brought any discredit upon a man, I will not say for what he was charged with, but the mere fact of his being arrested under Forster's Act? Did it bring any public discredit upon him?—Oh, I suppose not.

24,139. Did not it make him more popular?—Very likely with his class; I am sure it did.

24,140. With his class; with the people generally?—With his followers.

24,141. With a large proportion of the people?—Well, yes.

24,142. I do not suggest that it may have done so with police constables?—No, nor with a great many others, a large number of others.

24,143. You may be right?—Probably the half of the population.

24,144. Now, will you tell me how many arrests under Forster's Act altogether were accomplished in the neighbourhood of Ballydehob?—Only two.

24,145. And in Skull?—None in Skull.

24,146. Only two in that district?—Only in Ballydehob; two in Ballydehob. That was the political centre for the west.

24,147. Have you at all taken any trouble to examine the crimes' returns—the outrage returns—comparing the period before and after the arrests under Mr. Forster's Act?—Yes, I have. I have compared them. I went over those books there.

24,148. Then you can tell us generally this. Were they greatly in excess after the arrests, as compared with the number before the arrests?—They were in excess after the arrests. They appear in excess.

24,149. Greatly in excess?—Yes, after the arrests.

Adjourned for a short time.

24,150. (*Sir C. Russell.*) These two books you have given to me, what do you call them?—A register of crimes and offences.

24,151. In the sub-district of Ballydehob?—And Skull.

24,152. What extent of country does that district cover; you are an intelligent officer and can tell us?—Well, I should say 16 miles by about 12 or 13.

24,153. 170 or 180 square miles about. I will ask you generally, I will not go through this, but would you say that at any time the record of crime was serious in that district?—Yes, it was very serious.

24,154. Would you say that was in the winter and spring of 1882 most serious?—I should say from the spring of 1881 till the spring of 1882, or the end of 1882 probably.

24,155. You speak of course as an intelligent officer, and took an active interest in observing these cases; tell us what were the most serious outrages in that district reported to you?—The most numerous were threatening notices, the most serious were —

24,156. That, I suppose?—The most serious was—there were two offences—or crimes rather—of firing at the person.

24,157. Could you give me the names of those two?—Mr. George Swanton, justice of the peace, and his father.

24,158. Was that one offence or two?—Two offences on separate occasions.

24,159. I only want to get the enumeration?—And there were malicious burnings.

24,160. You mean of hayricks and things of that sort?—Yes, and houses.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

24,161. What were the houses, can you give me the names?—There was one, Michael Driscoll, of Draalamone, he had his cow-house burnt down in the spring of 1881. There was a hayrick, I believe, burnt belonging to one Austin Swetenham, near Ballydehob, and there was an unoccupied dwelling-house belonging to Henry O'Mahoney, at Ballydehob, and there was another unoccupied house burnt belonging to Mrs. Driscoll.

24,162. Are those the principal crimes and outrages you can recall; I am not meaning to suggest even those?—There were other crimes—there was the cutting off the ears of two horses there and injury to a horse's leg—the O'Briens, one of Balcummusk, and the other of Kilbringue.

24,163. A couple of cases of injury to cattle?—Yes.

24,164. I assume as an intelligent and zealous officer it would be your business when claims are made for injury to follow up the story?—Yes.

24,165. And to see what was the corroboration?—Yes.

24,166. And to try and get at the truth?—Yes.

24,167. Does your experience as an officer enable you to say whether or not as people can get compensation from the county, for injury to the property, and as we have heard liberal compensation, that they are not very much adverse to having their property injured?—There may be some cases of that.

24,168. Some cases that you could reasonably suspect them as being parties themselves to the injury?—Oh yes, but these were not those, except probably in one instance.

24,169. There was one case—you mentioned an instance of this kind?—Yes.

24,170. Now, about threatening notices and threatening letters, probably your experience has been very considerable over Ireland, so as to enable you to say whether that is the most common and frequent kind of offence?—Yes, it is very easily committed, and without detection.

24,171. It may be you have come across cases where a tenant, for instance, who wanted to stand well with his landlord, might invent a threatening letter to himself?—It never came to my notice.

24,172. You have heard of such cases probably?—No, I do not recollect hearing of such a case.

24,173. Or notices being put up?—No.

24,174. You recollect your mentioning to my learned friend, Mr. Murphy, when he was examining you, a crowd and some popular excitement, when you described that there was an effigy burnt through the town?—I do.

24,175. When there was a kind of Guy Fawkes procession?—Yes.

24,176. And some of Tom Smith's crackers, or somebody else's crackers?—Yes.

(*The Attorney-General.*) Those are not the same sort of crackers.

24,177. (*Sir Charles Russell.*) I beg your pardon, of course I am not saying sweet-meat crackers, but explosive crackers?—Explosive.

24,178. Who was it supposed to be?—A Mr. Notter, J.P.

24,179. You will be able to tell, I hope; but it is not the fact that at the time of that excitement it was rumoured that Father Murphy was going to be arrested, and going to be arrested at the instigation of this Mr. Notter?—It was rumoured that he was going to be arrested.

24,180. And was it not suggested that it was at the instance of Mr. Notter?—Well, it may be felt by the people, but I have no knowledge of that.

24,181. I am not suggesting that the fact was so, but whether it was not a popular opinion that it was Mr. Notter that had given the information; was not that so?—Oh, yes, I did hear that the people did feel that Mr. Notter had something to do with it.

24,182. Now, I want to ask you this general question on that subject of arrest; were not the arrests made under Forster's Act almost invariably made at the instigation or suggestion of the local landlords or land agents?—Never to my knowledge.

24,183. Never, you say?—Never to my knowledge.

24,184. Then I just want to test that; take the case of Hodnett?—Yes.

24,185. Did you make any information against Hodnett?—Not one.

24,186. Did any police constable, to your knowledge, in the neighbourhood make any information?—No, not that I am aware.

24,187. Did you make an information against Small?—No.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

24,188. Nor any police constable nor any person in the neighbourhood made any complaint against Emmerson?—I am not aware.

24,189. Father Murphy, I may mention, was the parish priest at Skull?—Yes.

Re-examined by the ATTORNEY-GENERAL.

24,190. I wish to ask you with regard to the previous experience that has been spoken of by my learned friend, Sir Charles Russell, do you know before 1881 of any tenant having been outraged for having taken an evicted farm?—Not one to my knowledge.

24,191. You say it was not a popular thing; did you or did you not know of any organisation to outrage people, or to prevent them taking an evicted farm before this agitation?—I never did.

24,192. Did you ever know a man threatened or outraged for paying his rent before this agitation?—I have no knowledge of it.

24,193. Prior to this agitation, when there was an eviction, used the farms and land generally be taken up?—Yes.

24,194. Were there applicants for it?—Yes, I never knew any difficulty about it.

24,195. I do not want to go through this book of Ballydehob, but you have said in your judgment just now that from the spring of 1881 to the spring of 1882—? —To the end of 1882.

24,196. The outrages were serious, having regard to the previous condition of crime?—Yes.

24,197. Have you looked through this outrage book?—Yes, I have.

24,198. I notice in the years 1881 and 1882 there are a number of entries of importance; I understand they are all your own?—Yes, that is my handwriting.

24,199. For persons who are supposed to have paid their rent?—Yes.

24,200-1. And persons who are working for people?

(*Sir Charles Russell.*) You mean outrages upon them?—Yes.

(*The Attorney-General.*) Yes.

24,202. So far as you know, speaking without the book as a mere record, was there ever anything of the kind before 1881?—Only one case in the year 1879. I should say there were walls thrown down upon a farm.

24,203. What for?—It was no connexion with a farm; it occurred to a Mrs. Catherine Rycroft, and I investigated the case, and I was satisfied that a near relative of hers named Edward Rycroft was the party who committed the offence. I traced him home that night, being drunk, going home from Skull.

24,204. Did you find, with reference to these outrages that you investigated of burning houses, and outrages on persons and things of that kind, any difficulty in getting evidence?—I could not get any except from parties that were inclined to support the law.

24,205. Speaking of your previous experience, was there a difference in the matter of getting evidence in the period of 1881 and 1882 to what it was before?—There was—yes.

24,206. Now, you were asked about O'Mahoney; it was rather suggested by my learned friend, Sir Charles Russell, perhaps though inadvertently, that was O'Mahoney respected by his neighbours?—I do not think so.

24,207. Of course you can say he had come from America?—Yes.

24,208. Do you recollect how long?—He was home about two years, I think.

24,209. Two years when?—Before the establishment of the Land League.

24,210. When Hodnett was arrested, do you know who became president of the Land League?—I am not sure, but I know that O'Mahoney became very active after the arrest of Hodnett.

24,211. Whether president or not you do not know, but he became very active in connexion with the Land League?—Yes, he did.

24,212. Was there any no-rent manifestoes issued in your district?—Yes, there was. I saw one posted in the window of Richard Hodnett.

24,213. About when did you notice it published?—That was about the autumn of 1882.

24,214. Not before that—no-rent manifesto?—I think about that time as close as I can go.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

24,215. I do not know whether you know when the first no-rent manifesto was, before or not?—No, I do not.

24,216. Now you said, in answer to my learned friend Sir Charles Russell, that being arrested under Forster's Act made people popular with the followers—your words were "With his followers," what did you mean?—Those were members of this organisation.

24,217. Now you have said that in your judgment evictions might be the cause of crime in your district; did you notice anything that occurred with reference to evictions; were there more evictions after the Land League or not?—There were more after the Land League in that district. I do not remember any previous to the Land League being established there.

24,218. In your opinion had the Land League anything to do with evictions?—Well, I cannot say.

24,219. There was one matter my learned friend omitted to ask you. Sir Charles Russell can ask the witness if necessary. Look at this document, did he get that?

24,220. (*Mr. Murphy.*) It is initialed by you, I think?—Yes. I did.

24,221. (*The Attorney-General.*) From whom did you get it?—I got it from Mr. Andrew Bennett; he lived a little beyond the town of Skull.

24,222. What was he?—He was a returned American; he came to this country with a lot of money, and he purchased a small farm there, and he built a very fine house on it.

(*The Attorney-General.*) My Lord, I only identify it to give the date, it is the 17th January 1881, purporting to be signed by John Collins, the secretary of the Ballydehob League.

24,223. Do you, of yourself, know John Collins' handwriting?—No, I could not prove it.

(*The Attorney-General.*) My Lord, I think there is no doubt, with reference to that, that it was the autumn of 1881 that the no-rent manifesto came out; it is the same time the suspects were in prison.

(*Sir Charles Russell.*) After they were put in prison.

24,224. (*The Attorney-General.*) You said October 1882, you probably meant in 1881?—I know that it was; Hodnett was arrested for it on that ground.

(*Mr. Lockwood.*) Your Lordship will recollect my learned friend, Sir Henry James, made some observation with regard to the "Cork Herald." May I intimate to my learned friend that Alderman Hooper is now here, and if it would not be inconvenient I would suggest that my learned friend should call that evidence, because it will not be possible for him to remain in this country; he has to go back.

(*The Attorney-General.*) Sir Henry James will deal with it; but I should like, with reference to that, to get whether Alderman Hooper denies that long before 1885 he was connected with it.

(*Sir Charles Russell.*) Whether he admits?

(*The Attorney-General.*) As far back as 1880 or 1881—I am told that in 1878 he was connected with the management of the "Cork Herald" as managing editor.

(*Mr. Lockwood.*) When he became the responsible editor of the paper, I have assigned that date as 1885. I am instructed I must correct that—at the end of 1884. I do not know whether that will assist you.

(*The Attorney-General.*) I asked whether you admitted that he was sub-editor or connected with the management as far back as the year 1880; 1878 I am told is the date.

(*Mr. Lockwood.*) Certainly.

(*Sir Henry James.*) Actively.

(*Mr. Lockwood.*) I answered my learned friend, the Attorney-General, at once, Mr. Alderman Hooper, as he now is, was the sub-editor as far back as 1878.

(*Sir Henry James.*) That you admitted.

(*Mr. Lockwood.*) Sub-editor.

(*The Attorney-General.*) Sub-editor as far back as 1878?

(*Mr. Lockwood.*) That I admit.

(*The Attorney-General.*) I am told—I do not know whether Mr. Alderman Hooper admits it—that he was a director of the company from that date; the articles of association state that.

5 Dec. 1888.]

THADDEUS LAING.

[Continued.]

(*Mr. Lockwood.*) I understand with regard to that, Alderman Hooper tells me the company was registered, but as a matter of fact the company was never formed, and no persons were actually appointed directors; they were never appointed.

(*The Attorney-General.*) As a matter of law the first subscribers to the memorandum of association are directors, I am informed that by the articles of association he was a director; if he was sub-editor probably it will answer my purpose.

(*Mr. Lockwood.*) Yes.

(*The Attorney-General.*) My learned friend, Sir Charles Russell, says I may as well read this letter now. It is from John Collins the secretary.

“ Land League Rooms,
“ Ballydehob,
“ 17th January 1881.

“ Mr. A. Bennett,
“ Dear Sir,

“ I am directed to inform you that a statement of grievance has been laid
“ before the Ballydehob Land League by Mr. Brown, whose farm you occupy.
“ I solicit your statement, either verbally or in writing, that our committee may
“ have both sides of the case before them to investigate.

“ Respectfully yours,

“ JOHN COLLINS,

“ Secretary,

“ Land League.

“ Ballydehob.”

JAMES CAMERON SWORN.

Examined by Mr. MURPHY.

24,225. Do you live near Ballydehob, in the county of Cork?—I do.

24,226. I think you are a tenant of Mr. George Swanton, of Ballydehob?—Of his father.

24,227. Have you been serving processes for Mr. Swanton?—Yes.

24,228. How long have you served processes for Mr. Swanton?—I never served processes but one.

24,229. When was that?—I think it was in the year 1881; the 1st April.

24,230. About the 1st April. Now, some time after that was your house broken into at night?—It was.

24,231. About how long after you served the process?—I think about the 12th of the month.

24,232. You said, on the 1st the process was served, and on the 12th what was it that happened?—My house was broken into, and a party of men with blackened faces came outside my bedroom.

24,233. What did they do?—One of them with some instrument made an attempt at injuring my ear.

24,234. What with?—I could not tell, but with some instrument.

24,235. Some instrument, you say?—Yes.

24,236. Was your ear cut?—Yes.

24,237. And bled?—Yes, and bled.

24,238. Did they strike you or not?—They gave me a few strokes, not more.

24,239. Were you sometime before you were able to go out?—I felt something sore, but not much after.

24,240. Had you any dispute with any of the people, or any interference with them until you served this process?—No, I was quite happy with the people.

(*Sir Charles Russell.*) I do not ask you anything.

Mr. GEORGE HENRY SWANTON SWORN.

Examined by Mr. MURPHY.

24,241. Are you a magistrate for the county of Cork?—Yes, I have been one.

24,242. Do you live near Ballydehob?—Yes, I do.

5 Dec. 1888.]

GEORGE HENRY SWANTON.

[Continued.]

24,243. Prior to 1880 what was the state of that district?—It was very peaceable.

24,244. Rents fairly paid or not?—They were fairly paid, considering the time, and everything else.

24,245. Do you remember on the 18th May when you were coming back from Skibereen?—I do.

24,246. Did you see a man on the side of the road?—I saw a man loitering on the road.

24,247. What did he do?—He jumped over the fence, and he hid himself, and I drove off at full gallop past him.

24,248. Was there any firing?—Not at that time.

24,249. Further on the road did you see somebody else?—Further on the road; it was very dark, and it was raining at the time, and I heard the report, and stones were thrown behind me, and I drove off.

24,250. Was there any shot fired?—I could not tell; I had the umbrella up. I heard a report, but I could not tell.

24,251. This was the 30th July; was your father with his servant coming back from Skibereen?—Yes.

24,252. Was he fired at, and his left eye knocked out?—Yes; it was injured severely. He died two years afterwards from paralysis.

24,253. Did you yourself ever see any notice posted up in that district in which you and your father were named, or either of you?—I was shown notices. The police, I think, took the notices.

24,254. Were you boycotted?—For a short while.

24,255. Did the servants leave you?—They did.

Cross-examined by Sir CHARLES RUSSELL.

23,256. Did you and your father keep a meal and flour store at Bantry?—No; my father had nothing to do with it. I had a mill in Bantry for some time.

24,257. In connexion with it a meal and flour store?—Yes.

24,258. You know there were reasons—I do not want to go into them unnecessarily—quite unconnected with the Land League for your unpopularity?—There were not at that time.

24,259. Is that so?—Yes, it is subsequent to that, if you are referring to my private affairs, it was the year following.

24,260. Do you say that happened subsequently?—Yes, the firing was prior to anything of that kind.

24,261. Your father was an old man?—About 77 years of age.

24,262. Did this firing of which you have spoken—did it take place in close proximity to a place where there had been three tenants evicted from a cutaway bog?—Not that I know of, it was not on his property at all.

24,263. What?—It was not on a portion of our property at all, it was on a public road, and a main road.

24,264. I understand that—was it close to where three tenants had been evicted?—Would you name it, because I do not know of such a place?

24,265. You do not?—No, except that there were no evictions that I remember previous to that.

JOHN SULLIVAN SWORN.

Examined by Mr. MURPHY.

24,266. Do you live at Skull?—Yes.

24,267. And in 1881 were you the owner of some cars which you used to let out for hire?—Yes.

24,268. In June 1881, were there some disturbances in Skull, and did the police employ some of your cars?—Yes.

24,269. On the night of the 7th did anything happen to your house?—On the morning of the 7th and night of the 6th.

24,270. Whenever it was?—Yes, they did.

5 Dec. 1888.]

JOHN SULLIVAN.

[Continued.]

- 24,271. What happened?—It was wrecked, sir, with stones.
 24,272. Was your car thrown into the sea?—Yes, on the morning of the 7th.
 24,273. What do you mean by your house being wrecked? What was done?—It was with stones, all the windows broken that was broken.
 24,274. Was your wife ill?—Yes, she got a fright.
 24,275. And I think you had to go for a doctor the next day. What happened when you were going for the doctor?—A lot of parties followed.
 24,276. What did they do?—Well, they did nothing to me.
 24,277. What was their conduct?—They were shouting, and one thing and another; they did nothing to me, no hurt to me.
 24,278. After that time were you able to get your horses shod, or had you to go anywhere else for it?—I had to go to the next neighbouring town, I had to take them to Skibbereen.
 24,279. Were you able to get food without difficulty or not?—Yes, some neighbours assisted us to get it.
 24,280. Your neighbours used to get it, and was that by day or night?—Well, I think some by day and some by night.
 24,281. Were you protected by the police at this time or not?—I was very convenient to the police and they gave me no protection. The night I was attacked I went for assistance and they did not give it; I was not 50 yards away from them.
 24,282. Why was that?—Why they were hardly able to protect themselves, I believe, and I protected myself as well as I could.
 24,283. Were you able to go to Mass after that time as you had done before or not?—Yes, I could go to Mass if I chose, but I did not mind going to Mass.
 24,284. Why not?—I had a reason of my own for it.
 24,285. What was the reason?—I was quite convenient to the chapel.
 24,286. Why did not you go as you did before?—Perhaps I had a reason for it, sir.
 24,287. Will you tell me why you did not go to Mass as you did before? Was it in consequence of the conduct of the crowd or not?—I was quite convenient to the chapel, and I did not deserve to be treated the same as I was on the night of the 6th of June.
 24,288. Do you know the names of any of the men at your house that night?—All the shorthand writers in London could not put their names down, there were so many of them there.
 24,289. Give me the names of some of them?—I think they could hardly put them down, they were so many, and they commenced I think about 20 miles away; they were talking a deal about Father Murphy going to be arrested.

Cross-examined by Sir CHARLES RUSSELL,

- 24,290. That was the very thing I was going to ask you about, You are talking of the same night that Sergeant Laing was talking about when the whole town was in commotion?—Yes, and I went to Laing for protection and he could not give it to me.
 24,291. That was the same night?—Yes.
 24,292. The rumour was that Father Murphy was going to be arrested?—Yes.
 24,293. And he was very popular with the people?—Very.
 24,294. And deserves to be?—Yes, sir.
 24,295. And there was a regular row and riot in the town?—Yes, and in cutting the turf they came with picks and mattocks and spades and one thing and another, and there was rumour that Father Murphy was going to be arrested?
 (*The President.*) You have that all to yourself, Sir Charles.
 24,296. (*Sir Charles Russell.*) I will translate what he says, my Lord. He says it was the turf-cutting season, and they came from the country districts with mattocks and picks and spades?—Yes, and griffors for hacking lands.
 24,297. And there was a regular riot in the town?—There was a regular riot in the town.
 24,298. And it was on that occasion that your house was wrecked?—I think so.
 24,299. But do not you know so?—Yes, I do know that.
 24,300. But, Sullivan, it was not a very bad job for you?—Yes, at that time it was a bad job, and a very bad job too.

5 Dec. 1888.]

JOHN SULLIVAN.—HENRY COPTHORNE.

[Continued.]

24,301. It was not a very bad job when you got 110*l.* compensation?—There is not a man in the place that would be in that position that night for 5,000*l.*

24,302. You got 110*l.* compensation?—Yes, and I think that did not pay me.

24,303. Opinions differ about that, you know?—Yes.

24,304. I mean the opinions of your neighbours differ a little from your own?—Well, they may have their own way, but they would not stand in my shoes at that time for any money they ever knew.

24,305. Let me just get in a word. Did not two of your neighbours, two farmers, come and swear that they would repair the whole of the damage that was done to your house for 10*l.*?—Yes, and I gave it to them, and they would not do it after; each of them was not worth 5*s.*

24,306. You think that was an under-estimate of the damage?—No, sir, I do not.

24,307. You thought it was putting it at too low a figure?—I think anything would not pay me for the way I was treated that night.

24,308. Nothing would pay you?—No, and I thank God for protecting me.

24,309. Very reverend and proper feeling. You were hooted at and booed at that night?—Yes, all they could do.

24,310. Have you had any trouble since?—Well, no, sir.

24,311. You are getting on all right again?—All right, it mended after a bit.

24,312. And you are not a bit the worse for it, except, I mean, the injury to your feelings, that is about all?—That is about all.

24,313. I should like to ask you as a matter of curiosity, there was a great crowd about the house at the time?—Yes, and all through the town there was a crowd.

24,314. Did it happen—it was very bad of them, I know—that any of your relations were amongst the crowd?—Very likely there were, I had a lot of friends about, and relations.

24,315. There was some bad feeling, was there not?—No, not in any way that I know, because I never deserved it.

24,316. I do not suggest you deserved it, but there were family rows going on, were there not?—No, never a family row in my place, the police know, I was only 50 yards away from them.

24,317. You said something about injury to your car, have you ever said it was a rival jarvey that did that mischief to your car?—No, sir, I never did.

24,318. Are you sure?—I am sure—a jarvey, oh, no—it was a common cart, not a jarvey.

24,319. A car or a cart?—A cart.

Re-examined by Mr. MURPHY.

24,320. Is the League going on down there now or not?—There is rumour that it is, but I know nothing about the League, for I never joined it.

HENRY COPTHORNE SWORN.

Examined by Mr. MURPHY.

24,321. Do you live at Ballydehob?—Yes.

24,322. In 1881 was Mr. William Baldwin your landlord?—Yes.

24,323. And a Mr. Jago, I think, was the agent?—Yes.

24,324. Do you remember paying your rent in the summer of 1881 to Mr. Jago—you and your wife?—We paid it, but I do not remember the certain time.

24,325. Did you go openly or quietly to pay that rent?—I went in his office below, in Ballydehob.

24,326. Do you remember having your hay scattered about your field?—I do.

24,327. Was that before or after you paid your rent?—After.

24,328. Had you given any cause to anybody that you know to interfere with you in that way?—No, I did not know of anyone who owed me any sort of spite.

24,329. No quarrel with anybody?—No.

(*Sir Charles Russell.*) I do not ask anything.

5 Dec. 1888.]

SARAH RAYCROFT.—RICHARD DALY.

SARAH RAYCROFT sworn.

Examined by Mr. MURPHY.

24,330. Do you live near Skull?—Yes.

24,331. Do you remember your house being attacked in the middle of the night in August 1881?—On or about the dawn of day, sir.

24,332. Was the hayrick thrown down?—Yes.

24,333. And a number of shots fired?—The hayrick was thrown down and some stones thrown in through the window.

24,334. And some shots fired?—Some shots fired off.

24,335. Your landlady was Lady White?—My landlady was Lady White.

24,336. Had your husband paid his rent before that, or not?—Yes, he had, a few days.

24,337. Had he had any quarrel with the neighbours?—Indeed, he had not.

24,338. Was there any reason why they should come to your house?—Well, they had a few words, and they came in the road after he had paid the rent.

24,339. Who had?—Some more of the tenants.

24,340. Were you present when these words took place?—Indeed, I was not, sir.

24,341. At all events, do you know any reason for this outrage at your house that you can suggest?—I do not know any reason they had for doing so, if it is not paying the rent.

Cross-examined by Sir CHARLES RUSSELL.

24,342. This injury to your hay took place when the workmen were away at dinner—the labourers?—No, it took place about the dawn of day.

24,343. And what did it consist of, the top of the cock being thrown down?—They came and threw the hayrick overboard entirely.

24,344. The top thrown down?—Yes.

24,345. You got compensation, did you not?—Indeed I did not, not a farthing.

24,346. I may as well just ask you, when did you last see the hayrick overnight yourself?—I saw the hayrick in the evening, and it was turned down that night.

24,347. What time in the evening did you see it yourself?—I could see it at all hours in the day that I could walk out.

24,348. And you did?—I did.

24,349. It was not thatched, was it?—Thatched, no it was newly made up.

24,350. Do not you know that hayricks do sometimes slip down?—Oh! but that would not slip, sir, that was very well bound.

Re-examined by Mr. MURPHY.

24,351. There were men outside throwing stones, were there?—We hear them, but we see no one.

RICHARD DALY sworn.

Examined by Mr. MURPHY.

24,352. Were you in 1881 steward to Mr. Robert Swanton?—Yes, I was.

24,353. Of Gurtnagrow, near Ballydehob?—Yes.

24,354. On the 24th of October 1881 was your house burnt?—Yes, it was.

24,355. Did you see any threatening notices after that?—Yes, there was.

24,356. What were they about, the substance of them?—Not to work for Mr. Swanton, and to stop at home.

24,357. I think the inspector has some of these notices, I will not trouble you about them—after this time had you police protection?—Yes, I had.

24,358. Could you get your horse shod close to you, or had you to go a distance?—I sent my son to some of them at Ballydehob and he came back, and then he took her to Bantry, to be shod in Bantry.

5 Dec. 1888.]

RICHARD DALY.

[Continued.]

24,359. Did the smiths agree to shoe them in the neighbourhood, or did you go away?—Yes, I did, but I cannot tell whether they all refused or not. I cannot say that.

Cross-examined by Sir CHARLES RUSSELL.

24,360. Are you still steward to Mr. Swanton?—No, I am not.

24,361. When did you cease to be—when did you stop being steward?—I suppose about three or four years.

24,362. Three or four years ago?—Yes.

24,363. Was that of your own free will?—Yes, it was.

24,364. You were not dismissed?—Yes, it was my own free will to leave him at that time.

24,365. You have been asked whether your house was burnt. Was it not an outhouse that got on fire?—It was an outhouse; there was some of my family living in the outhouse and they all came into one house, and that house was burnt.

24,366. Were the outhouse and your own house adjoining?—No, they were a distance off.

24,367. Then some of your people were living in the outhouse?—They were, sir.

24,368. And then when that outhouse got on fire they came in and lived in your own house?—No, there was some of the family living in one house and some in the other; then they all came in one house and locked up this house that was burnt.

24,369. Then there was nobody living in it at the time of burning?—No, no one living in it at the time.

24,370. Did you make a claim for compensation?—Yes.

24,371. What did you get?—20*l*.

24,372. And what was the size of this outhouse?—It was from 28 to 30 feet long.

24,373. Was there more than one room?—No, not more than one room.

24,374. Was it a thatched house?—It was a thatched house.

24,375. Could you say what part of the house got on fire first?—I could not, I did not see it on the 24th of October.

24,376. I suppose the thatch and rafters were burnt?—Yes, all.

24,377. Were the walls stone walls?—The walls were too—shook with the fire.

THOMAS ATTRIDGE SWORN.

Examined by Mr. MURPHY.

24,378. Are you a farmer living at Glissachar?—Yes.

24,379. Near Ballydehob?—Yes.

24,380. I think you are a tenant of Mr. Notter's?—Yes.

24,381. Do you remember in November of 1880 being applied to to pay your rent?—I am not sure whether it was in 1880 or 1881.

24,382. Was it 1880 or 1881?—Yes; I am not sure. I thought it might be 1881, but I am not sure; I did not keep an account.

24,383. Who came to you?—Well, there was no one.

24,384. Was it Mr. Notter came, or not?—For the rent you mean?

24,385. Yes?—Mrs. Notter.

24,386. Was Mr. Notter in the habit of coming, or did Mrs. Notter ever come for it before?—It was her first time of coming.

24,387. Did she say why she came instead of her husband?

(*Sir C. Russell.*) We cannot have that, surely.

(*Mr. Murphy.*) I submit we can.

(*Sir C. Russell.*) This is not a statement accompanying an act; it is an explanation which she wishes to give of why she comes.

(*The President.*)—[*After consulting.*] We do not think this admissible. We have the fact that she had never come before.

24,388. (*Mr. Murphy.*) You paid her rent?—Yes.

24,389. Do you know Mr. Raycroft in your neighbourhood?—There are a number of Raycrofts there.

5 Dec. 1888.]

THOMAS ATTRIDGE.

[Continued.]

24,390. Do you remember a Mr. Raycroft speaking to you about this rent—about Mrs. Notter?—Yes, I remember that man.

24,391. Which of the Raycrofts was it?—William Tom Raycroft.

24,392. Is he connected with the League down there?—Well, they say he is, but I was not a member of it, and I could not say whether he was or not.

24,393. At all events, did he come and make some communication to you about Mrs. Notter. I am not entitled to ask more than that?—Yes.

24,394. Did you have a cow's leg broken?—Yes.

24,395. Was that apparently intentionally done, or how?—I dare say it was, sir.

24,396. What?—It was.

24,397. Was that after the conversation that you had with Raycroft?—Well, there were two conversations with Raycroft.

24,398. Was that after one or the other of them?—The one was after the cow's leg was broken, the other was before.

24,399. Was there any reason that you know why anybody should break your cow's leg?—Not a bit, only for paying the rent three days before.

24,400. You had paid your rent three days before?—Three days, exactly, before.

24,401. Do you remember a man named Liscabay speaking to you?—Liscabay is the name of the man I was living with.

24,402. Do you know Roberts?—Yes.

24,403. James Roberts?—Yes.

24,404. Was he going round with a book collecting money?—Yes. I know his name is Roberts. I think his name is James Roberts.

24,405. Is he connected with the League, to your knowledge?—Well, he was collecting, he said, for the League.

24,406. What did he say to you?

(*Sir C. Russell.*) I again object.

(*The President.*) You cannot ask that—a man merely coming round with a book.

24,407. (*Mr. Murphy.*) Did you see any threatening notices up about you?—No, I did not see them.

24,408. You only heard of them?—I heard of them.

Cross-examined by Sir CHARLES RUSSELL.

24,409. I have not much to ask you. Did you ask for an abatement of your rent from Mrs. Notter?—No.

24,410. How much do you farm?—I have two farms; this farm was 18*l.*, the farm at Glissachar, where I was living.

24,411. And the other farm?—The rent of the other farm is 9*l.*, I think.

24,412. Have you any business besides?—No, no business.

24,413. How many acres altogether have you?—There are 40 acres of land on this farm; I could not tell you how many on the other; I daresay more on the smaller farm because the land is not so good.

24,414. You are what they call a warm man—comfortable?—I do not know what you mean by a warm man.

24,415. Is not that an expression in the south?—No.

23,416. A comfortable man?—Well, I work hard, and I try to live up to my means, if you call that warm or comfortable.

24,417. I am rather curious to know who was it who asked you to come and give your evidence here?—Who asked me, sir?

24,418. Do not repeat the question?—I beg your pardon, I am not up in the law; it is my first time in court. I got a letter saying that I was to be served with a subpoena.

24,419. Let me see the letter?—This is the subpoena (*producing it*).

24,420. I do not want that?—Well, I like to keep it safe.

[*The letter was handed to Sir Charles Russell.*]

24,421. 10th November; did you know the writer of this letter?—No, I did not, only that his signature is there.

24,422. Had you ever been brought into contact with him before?—No, never.

5 Dec. 1888.]

THOMAS ATTRIDGE.

[Continued.]

24,423. (*Sir C. Russell.*) This, my Lord, is a letter from the same gentleman whose name we have heard—George Bolton—and at the top of the letter is Crown Solicitor for county Tipperary, “Special Commission, 1888. Dear Sir,—It is intended that you should be examined as a witness before the above Commission, and I will take it as a great favour if you will inform me whether or not you will accept service of a *subpœna* and *viaticum* through the post office. All your expenses will be paid by Joseph Soames, Esquire, solicitor of the ‘Times,’ 58, Lincoln’s Inn Fields. You will be required to leave for London on Friday or Saturday next.—Yours truly, George Bolton.” Did you answer that?—Yes, I answered that, but I did not get a reply; that is, provided my expenses would be all paid, I said, or all my expenses would be paid; and the day after I replied to that I was served personally with in my house.

24,424. With your subpœna?—Yes.

24,425. I accept your statement. Had you up to that time given any statement of your evidence to anybody?—No, I know nothing about it. I even did not read about this “Times” Commission.

24,426. Or did you know what you were going to be asked about?—Well, I thought it was about this cow’s leg.

24,427. You thought it was about a cow’s leg?—Yes, and about my paying the rent.

24,428. But beyond that you did not know anything?—No, that ever I can recollect I do not remember of anything.

24,429. You were not applied to by a local policeman; just think?—I remember now that there was a policeman met with me one day, and he said, did I find out who broke my cow’s leg, and I said no.

24,430. Did he say whether he had found out that it was any of the League that broke the cow’s leg?—No, he did not mention the League or anyone, I was just merely going on in a cart.

24,431. When was that?—I could not tell you; it was not very long before I was served.

24,432. It was in the last month—in November?—I think it was the end of October as far as well as I remember.

24,433. Was it the same policeman that served you with the subpœna?—No, I did not know the gentleman at all who served me; this was a policeman in the district in the neighbourhood that I was well acquainted with.

24,434. What was his name?—Sergeant Rourke, I think.

24,435. Now tell me when did you first give a statement to anybody of your evidence?—I did not give a statement to any person of my evidence until a few days ago—I cannot tell you the day. I was here for some days, if you call that a statement.

24,436. Since you came to London?—Yes.

24,437. And to whom did you give it?—In the consultation room here.

24,438. Off the corridor?—Yes.

24,439. The other day?—Yes.

24,440. Mrs. Notter came to you—what time was it she came, to your recollection?—As well as I remember—I did not make an entry of the dates—she came to me about the 3rd or 4th November, or about the 6th or 7th. I know it was on a Thursday, and on the following Sunday the cow’s legs were broken—smashed.

24,441. On the 3rd or 4th November you think she came to you?—Yes.

24,442. That would be in what year?—As well as I remember I think it was in 1881.

24,443. It is a good while ago you know?—Yes.

24,444. Does she live near Ballydehob?—I think she lives six or seven miles from Ballydehob.

24,445. And how far are you from Ballydehob yourself?—Well, I am nearer to her than Ballydehob.

24,446. And she wrote to you. How far were you from Ballydehob yourself?—I am nearer to her than Ballydehob.

24,447. You are some miles from Ballydehob?—Yes.

24,448. And she called on you and you paid your rent?—Yes. She said to me that she wanted the rent and that Mr. Notter was late to come.

5 Dec. 1888.]

THOMAS ATTRIDGE.

[Continued.]

24,449. I was not asking you that, you know?—Well, I thought I had better tell you.

24,450. Just kindly answer the questions I am putting to you. And you paid the rent?—Yes.

24,451. And she went about her business?—Yes.

24,452. And you attended to yours?—Yes.

24,453. Had you told anybody you paid your rent?—No.

24,454. Was it known you had paid your rent?—I did not know of it till the cow's leg was broken. The night the cow's leg was broken I said, "Who would break my cow's leg?" I did not offend anyone or say anything to anyone. Mr. Whitecroft said, "Was not Mr. Notter with you on Thursday night?"

24,455. Who is this?—Mr. Whitecroft. He is a farmer. He is dead now.

24,456. Was it suggested at all that this was accidentally an injury to your cow?—No, I did not hear it.

24,457. Was there a man called Barrett in your employ at that time?—There was.

24,458. Was there not a suggestion that it had been an accident to the cow?—I never heard it. I have reason, if I could get time to tell you, to believe that it was not Barrett that did it.

24,459. Is it quite fair to him to say so? I take your statement. You believe, do you, from the examination of the cow's leg, that it was done on purpose?—Surely.

24,460. You think so?—Yes.

Inspector MICHAEL WALL sworn; examined by Mr. MURPHY.

24,461. You are a district inspector in the Irish Constabulary, I believe?—Yes.

24,462. I think you went to the Skull district on the 4th of May?—The 4th May 1881.

24,463. Do you remember on the 4th of June Henry O'Mahony being arrested?—Yes.

24,464. Was he arrested on any particular charge or under the Crimes Act?—He was arrested on a Lord Lieutenant's warrant issued under what we knew as Forster's Act.

24,465. After this arrest, do you remember anything happening to the chapel bell?—Yes, it was rung immediately afterwards. I heard it ringing.

24,466. And were horns blown?—Yes.

24,467. And were the police surrounded?—The police were surrounded. Crowds of people came in by the different roads into the town, armed with various weapons, such as sticks and spades, shovels, pitchforks.

24,468. Did they appear to be under the orders of any person, or did they come in as a disorganised mob?—As each party came in (they came in rather grouped) there always appeared some one man detached from the rest, as if he was the responsible party. I noticed that.

24,469. O'Mahony was taken down the streets. Were any stones thrown at the police?—There were.

24,470. In any numbers, or not?—Several stones. One sergeant, Sergeant Galbraith, was wounded by the blow of a stone just beside me. I was struck myself.

24,471. Before leaving the house did O'Mahony address the crowd?—He spoke to the crowd from a window.

24,472. Do you remember what he said or the substance of what he said?—He announced himself to the people as another victim of "Yellow George's."

24,473. What is Mr. Swanston?—Yes, Mr. George Swanston is known as "Yellow George." He said he knew the Ballydehob boys would make it hot for him.

24,474. W. George Swanston, we heard, had been fired at shortly before. He was fired at on the 18th May, he has told us?—Yes, on the 4th June this language was used, and on the 18th of May Mr. Swanston had been fired at.

24,475. Had you occasion to go to Ballydehob Bridge?—Yes, on that day. O'Mahony was brought down by the police on two different occasions. Two attempts were made to get him through the large crowd that was in the street, but on the last occasion we were met by a very large mob—a fresh new mob coming in from the

5 Dec. 1888.]

MICHAEL WALL.

[Continued.]

Skibbereen direction—and we came down the hill towards the bridge, and the prisoner was forced from us there. We were forced back.

24,476. What number of men should you say assembled there?—The whole place was thronged with men.

24,477. What is your estimate of the number of people that came?—I could not be quite certain about the exact number at the time. There was close, I should say, on a thousand. People were constantly arriving during the time while this was going on.

24,478. I believe you then wired for reinforcements to the resident magistrate, and the Marines came from Bantry?—No, not on that day.

24,479. Was that the next day?—That would be on the 6th.

(*The President.*) Nothing is added, Mr. Murphy, by going into detail as to this.

(*Mr. Murphy.*) My Lord, I will accept what your Lordship says.

24,480. Were the telegraph wires cut?—Yes. That would be on the night of the 6th or morning of the 7th.

24,481. You say that O'Mahony made a speech. Do you know Mr. John O'Connor? Yes, the member of Parliament—I know him.

24,482. Was he present at this speech?—Do you mean on the occasion of his arrest?

24,483. Yes?—No, Mr. W. O'Connor was not there at all.

24,484. Was he there when he was removed from the station?—No.

24,485. Were you present on either of those days when either Mr. John O'Connor or Mr. O'Hea spoke?—That was at a public meeting.

(*Mr. Murphy.*) I will get that from another witness, who took notes.

Cross-examined by Sir C. RUSSELL.

24,486. On what day was it that you say this occurred—the 4th June?—The 4th June.

24,487. The telegraph wires you have spoken about being cut; was not that upon the 6th June?—On the night of the 6th, or morning of the 7th.

24,488. That was in connexion with the popular ferment about Father Murphy's reported arrest?—Yes.

24,489. It had nothing to do with O'Mahony's arrest?—No. I should say not any more than, of course, the excitement which was occasioned on the 4th, might have continued more or less up to the 6th.

24,490. And as regards O'Mahony's arrest, there was a good deal of excitement?—Yes.

24,491. Is it not the fact that O'Mahony himself quietly took the train to Cork and surrendered himself to the police?—That he quietly did so I do not know. I think there was a good deal of parade about it, but he did it nevertheless.

24,492. I will drop the word "quietly"; is it the fact that he took the train?—Yes, he presented himself at Limerick Jail, I believe, and was there lodged.

24,493. To the police?—Either to the police or the jail; I am not quite certain which, but I know he was lodged there. He had a copy of his own warrant.

24,494. That was the jail to which he was to be committed?—Yes.

24,495. And he went up to the governor of the jail and, I will not say quietly, but surrendered himself?—Yes, I think he was quiet enough there.

24,496. Was O'Mahony or not an eccentric person? Would you call him eccentric?—Well, I do not know indeed; I would not say that he was.

24,497. When the time for his release came, is it the fact that he surreptitiously got rid of his own personal apparel, and insisted on being returned home in a suit of prison clothes?—I never heard that.

24,498. Did you never hear that until I put it to you now?—No, indeed I did not.

Sergeant JACOB RUTTLE sworn; examined by Mr. MURPHY.

24,499. You are a sergeant in the Royal Irish Constabulary, and I think you were in the Skull district for about six years?—Yes.

24,500. Were you present, on the 5th April 1881, at a Land League meeting at Skull?—I was present at a Land League meeting at Ballydehob.

24,501. The 5th April was it?—It was some time in the early part of April; I could not fix the date.

5 Dec. 1888.]

JACOB RUTTLE.

[Continued.]

24,502. Amongst other speakers was Miss Parnell there, Mr. John O'Connor, and Mr. O'Hea?—It was the previous meeting to that that they were there. It was in the end of March.

24,503. The 30th March was it?—The 30th March.

24,504. Did you take notes in longhand of the speeches?—I did.

24,505. And have you got that note there?—I have them here.

24,506. Just kindly read them, please. Give me the proper date. Is it 30th March 1881?—The 30th March 1881.

24,507. Mr. Richard Hodnett, I think, was the chairman?—He was.

24,508. Now, Miss Anna Parnell first. Just read the speech.

(The speech was put in and read, and was as follows :—)

“ Ballydehob Land League Meeting, 30th March 1881, County of Cork, W.R. Skull, 5th April 1881. Miss Anna Parnell said: Ladies and gentlemen, a month ago I did not know there was such a place as Ballydehob. When I first heard the name I said there was a fighting sound in the name Ballydehob. I think Ballydehob will not be the first to go back of the Land League. Now, ladies and gentlemen, I don't think you have seen the newspapers to-day. I saw something in them which might injure Mr. Healy, and do a good deal of harm if it was not rightly understood. He said in Dublin yesterday that the evicted tenants might go on the poor relief. The new guardians who turned out the landlord's guardians ought to strike a rate for the poor evicted tenants. But I think that theory would only work where all the tenants are evicted; but I believe in any place all the tenants, or half the tenants, won't be evicted. I must tell you, if you hear the talk of Mr. Healy's theory, don't be frightened. Half the money collected by the Land League will be to assist the tenants. So long as they act on the instructions of the Land League they will be assisted. I was going to tell you that all the money of the Land League is in the hands of trustees. The money is in the hands of men who will not allow an evicted tenant to suffer if he continues to live according to the teaching of the Land League. If the Irish people were to say to-morrow, so long as the Coercion Bill was in force they would pay no rent, the people in America would subscribe as much money as would keep the tenants for five years. I don't know what people would subscribe as much money as would keep the landlords for five years. As long as you are true to the Land League, the Land League will be faithful to you. There is another danger of a false idea about the money of the Land League. I have letters from persons of influence to give money to poor people for which it was never intended. But as an honourable woman I could not give the money for a purpose for which it was not intended. We cannot give the money to poor distressed people who have no land. Let the gentlemen who have condemned us in no measured terms, and the ladies they have influenced, undertake the charge of all the poor in Ireland who don't come under the sphere of our work. In this connexion I would make an appeal to the tenant farmers of Ireland, they have practically the whole wealth of the country in their hands; and I think they might seriously ask themselves when they found it their duty to keep money for to feed themselves and their families, and to ask themselves whether they are entitled to give too much to the landlords while numbers of poor tenant farmers are starving at their gates. The ladies have got to know the innermost thought of every landlord, the innermost thought of the agent, and the secret soul of the bailiff. I don't know now that there would be any harm if you knew a little of the thoughts of the R.I. Constabulary, but the way to find out the thoughts of those gentlemen is not to ask them or talk to them about what they intend, it is to judge them by their actions, you may thus find out what they are, if you talk to them they will tell you nothing but lies. Now, I don't think you are proclaimed here yet, but I believe you will be one of these days. (R. Hodnett: We are already.) Well, I feel proud to address a proclaimed audience. I will tell you what happened me on Sunday last as we were driving to a meeting in Kanturk, and we saw a donkey lying on the road. He did not move as we came up. Now, ladies, some people would say

5 Dec. 1888.]

JACOB RUTTLE.

[Continued.]

“ that he was a donkey, and had no sense, but I think that donkey had a knowledge of politics, that donkey knew that if we ran over him it would be apt to hurt us. The Government and the landlords are coming along. or, at least, they were some time ago, with a great deal of bluster, as if they would annihilate us, but if we stop and pay no attention to them, the landlords will think as we thought, that if they run over the tenants they will be the more hurt of the two. It is very cold standing here, and I don't know who put up that platform. I hope the gentlemen here won't prop up the landlords as well as they did that platform. If you here won't protect the tenant farmers of Ireland just write to me, and when we are not able to protect you and yours, I will give you timely notice.”

24,509. John O'Connor, I think, then was the secretary? Read what you have got further.

(*The President.*) Is that the end of it?—That is the end of it.

(*The President.*) I did not like to interrupt a ladies' speech; but I do not know what in the world it was for.

(*Sir C. Russell.*) I think it was very entertaining.

(*The President.*) We have not time for mere entertainment.

(*Mr. Murphy.*) My friends said before they claimed that the whole of the speeches should be read. I do not want to read these if my friend will accept them.

(*The President.*) Surely there must be some other means than our having to hear them.

(*Mr. Murphy.*) The one I propose to read from our point of view is the next speech.

(*The President.*) I thought there had been an arrangement before that these speeches you relied upon were to be furnished. Then there would be the opportunity of calling attention to any of the speeches at the same meeting which qualified the objectionable ones.

(*Mr. Murphy.*) My Lord, I propose to read Mr. O'Connor's speech, it is not very long.

(*The speech was put in and read, and was as follows :—*)

“ John O'Connor, Secretary to the Cork Land League, said: My fellow country men and women, I must say, as the ladies had so much of it, we might have a little now. Some people would say that the ladies were very unfitting for the hard and fast work now before the Irish people, but he would say that those people could not see past their noses. I shouldered my rifle in '67, and am prepared to associate and organise every association to benefit my country. Some time ago a gentleman came into the rooms of the newly formed Cork Land League. He was an old man of venerable appearance, and he said to me I came from a remote part of the county of Cork, where the tenants are paying rack-rent, and we want the Land League. That part of the country was Ballydehob, and that gentleman was Mr. Hodnett. Let me say a few words to the men of the country. The men of Ireland were now breast high against the laws of the country. Let no man take a farm from which another has been evicted. For the present you shall not pay an unjust rent, until the time shall come that you shall pronounce that you shall pay no rent at all. We have the first round out of the Government, and we have been victorious, we have had a round with the landlords, and we have taken a fall out of them. If any man go behind your back and pay an unjust rent, or part of it, I won't tell you what to do with him, I won't tell you to nail his ears to the pump, I won't tell you to boycott him, but they knew how to meet him themselves. When we have reduced the rents to what they should be, we shall not stop there till we shall achieve a state of social comfort.”

Cross-examined by Sir C. RUSSELL.

24,510. Mr. Ruttle, I am rather struck. Let me have that report. I understand you to say you do not write shorthand?—No.

24,511. Well now, are these speeches your speeches or the speeches of these orators?—They are the longhand notes that I took of their speeches.

5 Dec. 1888.]

JACOB RUTTLE.

[Continued.]

24,512. Well, it is a most marvellous performance. And you took these in long-hand?—I did.

24,513. And you think you have given them correctly?—To the best of my belief I have.

24,514. Nearly word for word?—Yes; I have not given all that was said.

24,515. But have not you? Miss Parnell's speech, did you give all of that?—No, not all of it, but I gave a good deal of it, for she spoke very slowly.

24,516. And Mr. O'Connor's, have you given all of that?—No, nor near, I suppose, not one-sixth of it.

24,517. You picked out the worst part?—Yes, the sentences I considered most necessary to take down.

24,518. What?—I picked out the sentences I considered most necessary to take down.

24,519. And there was a third speech which my friend has not read. Mr. Patrick O'Hea, solicitor, Skibbereen, he made a speech?—He did.

24,520. Now, when did you write out this report?—A few days after the meeting.

24,521. Does it happen that you are a subscriber to the *Cork Examiner*?—I am at present, but I cannot say whether I was then or not.

24,522. At all events you read the *Cork Examiner*, and did read the *Cork Examiner*?—I do not know whether I read it then or not.

24,523. Is it the fact Mr. Ruttle, because if it is not the fact you are one of the wonders of the age, that you composed this speech with the aid of the *Cork Examiner*?—It is not.

24,524. Or *Cork Herald*?—No.

24,525. Or *Freeman's Journal*?—I have no recollection of consulting any paper on the subject.

24,526. Or the *Skibbereen Eagle*?—No.

24,527. I did not know there were eagles in Skibbereen, but there is a paper of that name. Do you really mean to tell my Lords that you wrote this out, giving, whenever you do give a sentence, that sentence completely without having seen and read a report of the meeting?—Yes, when I caught a sentence that I wanted to take down I retained it till I had finished that sentence, and I did not mind any other, anything which was said in the meantime.

24,528. But all this reads consecutively and smoothly. I do not find any breaks or asterisks here?—I did not put them in, but there were a great many breaks in the speech.

24,529. Have you got your original notes of this?—I have not. I destroyed them when I was leaving that district about two years ago.

24,530. Why?—I did not consider I would ever require them.

Cross-examined by Mr. Lockwood.

24,531. I see you have put here "Mr. John O'Connor, secretary to the Cork Land League"?—Yes.

24,532. That is not Mr. John O'Connor the member of Parliament is it?—Yes, he was not member then.

24,533. Do you mean you attribute this speech to Mr. John O'Connor, who is now an M.P.?—Yes.

24,534. And do you say the person at any rate you reported was the secretary to the Cork Land League?—Yes, at all events I was informed he was secretary at that time to the Cork Land League.

(Mr. Murphy.) District Inspector Rice was to have been here to prove he searched O'Mahony's house and found a number of documents there. He has unfortunately been taken ill since the sitting of the court, and Sir Charles Russell allows me to put in the documents found and supply his evidence.

(Sir C. Russell.) I did say that subject to my learned friend allowing me first to see the documents.

(Mr. Murphy.) I understood you had seen them.

(Sir C. Russell.) No, not at all. I could hardly make an admission of that kind till I had some idea what they were.

5 Dec. 1888.]

JACOB RUTTLE—GEORGE KELLS.

[Continued.]

(Mr. Murphy.) I thought you had seen them, I withdraw it for the present.

(Sir C. Russell.) Yes, you had better go on with somebody else.

(Mr. Murphy.) Yes, I will call Mr. Kells to produce some threatening notices found in this district.

Sergeant GEORGE KELLS sworn; examined by Mr. MURPHY.

24,535. Are you in the Irish Constabulary, and where are you stationed?—I am a sergeant in the Irish Constabulary stationed in the County of Wicklow.

24,536. Were you at Skibbereen or Ballydehob?—Ballydehob.

24,537. Do you produce some threatening notices that were kept at the constabulary barracks or offices at Ballydehob?—I have not the originals, but I have a copy made on the date on which I found them.

24,538. Was it a copy made by you?—By me in my own handwriting.

24,539. What has become of the original, do you know?—I am not sure whether I sent it to the district inspector or whether it went astray.

24,540. You have searched for it?—I have and could not find it.

24,541. You will kindly read it, please. Where was it posted?—On a house which had been burned belonging to Richard Daly at Derrycaroon, in Co. Cork.

24,542. That is the witness we had here to-day?—Yes, I will read it.

24,543. (Mr. Lockwood.) I did not gather that this witness said he had searched for the originals?—I had.

(Mr. Lockwood.) May I ask a question upon that, my Lord?

(The President.) Yes.

24,544. (Mr. Lockwood.) Have you searched for the original notices yourself?—I have.

24,545. Where?—In my box at home.

24,546. But I understood you to say before you spoke of searching for them that you had sent them to some other official?—Well, I was under the impression I had, but when I see it is copied here on the date on which I sent in the report, I believe I may have lost it myself.

(Mr. Lockwood.) I do not follow that. I do not understand what you mean by that. However, if your Lordships think that is sufficient, I will not occupy time in discussing it.

(The document was put in and read, and was as follows:—)

“Roary-on-the-Hill.

“Dear Richardeen,

“I am going to pay you a small compliment that is only too well due to you, you pimping, soup-capping bastard. Take my word, as sure as God is in Heaven I will stain my hands in your blood, and yellow George, and father one eye Robert.

“Yours truly,

“Captain Moonlight & Co.”

(The Witness.) That is the notice found on the house on the 31st of October 1881.

(Mr. Lockwood.) I think the witness did not mention this begins “Roary-on-the-Hill,” and is signed, “Yours truly, Captain Moonlight and Co.”

(The President.) Oh yes, he did.

(Mr. Lockwood.) I did not catch that.

Mrs. MARTHA DALY sworn; examined by Mr. MURPHY.

24,547. Were you postmistress at Ballydehob in 1881?—Yes.

24,548. Did you have a tenant named Holland?—Yes.

24,549. And did you have occasion to give him notice to quit?—Yes.

24,550. I think you got a decree?—Yes.

24,551. Did you receive a threatening notice shortly after?—Yes.

24,552. What did you do with it?—I threw it on the floor when I read it.

24,553. What was the nature of it?—To go and explain myself, what was the reason I put out Holland.

24,554. Explain yourself where?—At the Land League rooms.

5 Dec. 1888.]

MARTHA DALY.

[Continued.]

24,555. Did you go?—No.

(Mr. Lockwood.) Can you give me the date?—

24,556. (Mr. Murphy.) Can you give us the date when this occurred?—No. I cannot.

24,557. Do you remember a parcel being found in the post office?—Yes, but I was not present when it was found.

24,558. Did you see it?—No, it was my son.

24,559. Where is your son?—He is dead and buried.

24,560. Did you see the address which was upon it?—Never. It was put away before I went into the office.

24,561. Did you see any envelope?—No, I saw nothing of it. They had it taken away when I went in.

24,562. Who took it away?—I think it was one of the policemen—the head-constable, I think.

24,563. What was his name?—Head-constable Lepper, I think, took it.

24,564. I thought you had seen it yourself?—No, never.

24,565. Do you know Mr. Hodnett's writing?—Well, I think I would.

24,566. Just see whether that is his writing (*handing a letter to the witness*)?

(Sir C. Russell.) I think there were two Hodnetts mentioned.

24,567. (Mr. Murphy.) Richard Hodnett?—This is not his writing. I Think the name is.

24,568. Is the name signed by Mr. Hodnett? Is the signature by Mr. Hodnett?—Yes, as far as I can understand his writing.

[The letter was put in and read, and was as follows:—]

“MADAM,

“Land League Rooms, Ballydehob,
3rd day of March 1881.

“A COMPLAINT having been made by John Holland in regard to the manner in which he has been treated by you, the members of the National Land League consider it advisable for you to suspend any further proceedings against him until the next meeting, at which they expect your attendance and explanation.”

“Yours respectfully,

“RICHD. HODNETT,
Chairman.”

“To Mrs. Daly.

24,569. I do not know whether that was the letter you called a threatening letter you found?—I think it was. That was the meaning of it at all events.

(Sir C. Russell.) I do not ask you anything, madam.

(Mr. Murphy.) There is another case I shall have to postpone about this post office until Mr. Rice is able to attend.

(Sir H. James.) My Lord, instead of going to another case, perhaps you will allow me to read the extracts from the *Cork Herald*. The first extract we wish to put in is from the *Cork Daily Herald*, Monday, August 2nd, 1880.

(Sir C. Russell.) I am sorry to interrupt my friend, but there was a document handed in which I did not appreciate. Is Kells here?

Sergt. GEORGE KELLS re-called; cross-examined by Sir C. RUSSELL.

24,570. There is a report which was handed in by you containing a copy of that threatening notice signed Captain Moonlight?—Yes.

24,571. And beginning “Rory-on-the-Hills.” I just wish you to explain that the Court may follow this: This particular report would be addressed to the resident magistrate, I presume?—No, the district inspector of the district.

24,572. To the district inspector?—Yes, of the district.

24,573. And would it be his duty to forward it to the resident magistrate. I do not know. I do not know the district inspector's business.

24,574. You do not know the course of business?—No, not of the district inspector's. I believe he has notice to send a copy of those communications to the resident magistrate.

24,575. That is to say, the police report upon a crime or supposed crime?—Yes.

5 Dec. 1888.]

GEORGE KELLS.

[Continued.]

24,576. And are those same resident magistrates, the resident magistrates that in 1881, 1882, 1883, and 1884 would try the cases if it was found there was evidence?—I do not know.

(*Sir H. James.*) My Lord, we can save time in this very much. The first is dated August 2nd, 1880. My Lord, there is a long account of a Land League meeting at Millstreet. The only purpose I put it in for is to show the date of the commencement of the branch of the Land League at Millstreet.

[*The extract was put in and read, and was as follows:*]

“Land meeting in Millstreet. A largely attended meeting was held yesterday in Millstreet, in connexion with the establishment of the branch of the Land League for the district.”

Then it proceeds.

(*Mr. Lockwood.*) Take that. I do not ask my friend to take it all at present, but I shall be allowed of course to refer to it. I have not seen it yet.

(*Sir H. James.*) The next is the 9th of August, page 3, column 6. The next date is August 17th. I give my friend the columns, page 3, column 6. It is to this effect. This represents a meeting at a place called Knocknagree.

[*The extract was put in and read, and was as follows:*]

“Mr. Heffernan in a long speech supported the resolution which was in these terms, ‘a resolution condemning evictions and calling upon the people to ‘abstain from taking farms rendered vacant by the operation of the present ‘landlord system.’ Mr. O’Connell seconded the resolution. Mr. Heffernan supported it in a long speech, devoted chiefly to an attack upon Archdeacon Bland and Mr. Jeremiah Hegarty of Millstreet. They who were engaged in this agitation were called Communists, but if Communism meant preventing the people from starving and from living in their own country, he gloried in the name of Communism.”

The next is the 24th of December 1880.

[*The extract was put in and read and was as follows:*]

“Millstreet Land League.—At a meeting of the above branch held yesterday, Mr. J. J. Cronin, P.L.G., president, in the chair, about 70 members present, among whom were the following—Messrs. J. Cooper, treasurer, J. Riordan, and J. O’Connell, secretaries, T. Mahony, vice-president, J. McCarthy, C. J. McCarthy, and J. Howard. The following resolutions were adopted after some discussion, ‘That we, the members of the Millstreet Branch of the Irish National Land League, hereby pledge ourselves not to deal with any merchant who is an enemy of the Land League, and the principles which it inculcates, and any member violating the rule will be expelled.’”

(*Sir H. James.*) Then December 29th, 1880.

“Millstreet Land League,

“Millstreet, Monday.

“At a meeting of the above branch held to-day, about 200 members attended. Mr. J. J. Cronin, P.L.G., in the chair. After the management of some minor business the following resolutions were proposed and adopted unanimously: Proposed by Mr. D. Nunan—Resolved—That the resolution proposed by Mr. O’Connell at our last meeting and passed unanimously, be still further confirmed, from the fact that Mr. Jeremiah Hegarty, on the 24th instant, publicly challenged without provocation a respectable member of our League, and also a member of our executive Committee for his connexion with such persons and otherwise insulted him, which conduct we consider highly detrimental to the interests of our League, and we further pledge ourselves to vindicate our cause by resenting all undeserved insults offered to individual members and working shoulder to shoulder.”

Then there is a resolution which does not affect this question. That is from a correspondent. Your Lordship will see it mentions the “resolution proposed by

5 Dec. 1888.]

GEORGE KELLS.

[Continued.]

Mr. O'Connell at our last meeting." My friends have searched for that. We cannot find record of it in this newspaper. It may have been passed, but we know nothing about it. Then the same paper, the following column on the same page in column 3, there is this paragraph:—

“The ‘boycotting’ in Millstreet.

“Millstreet, Monday.

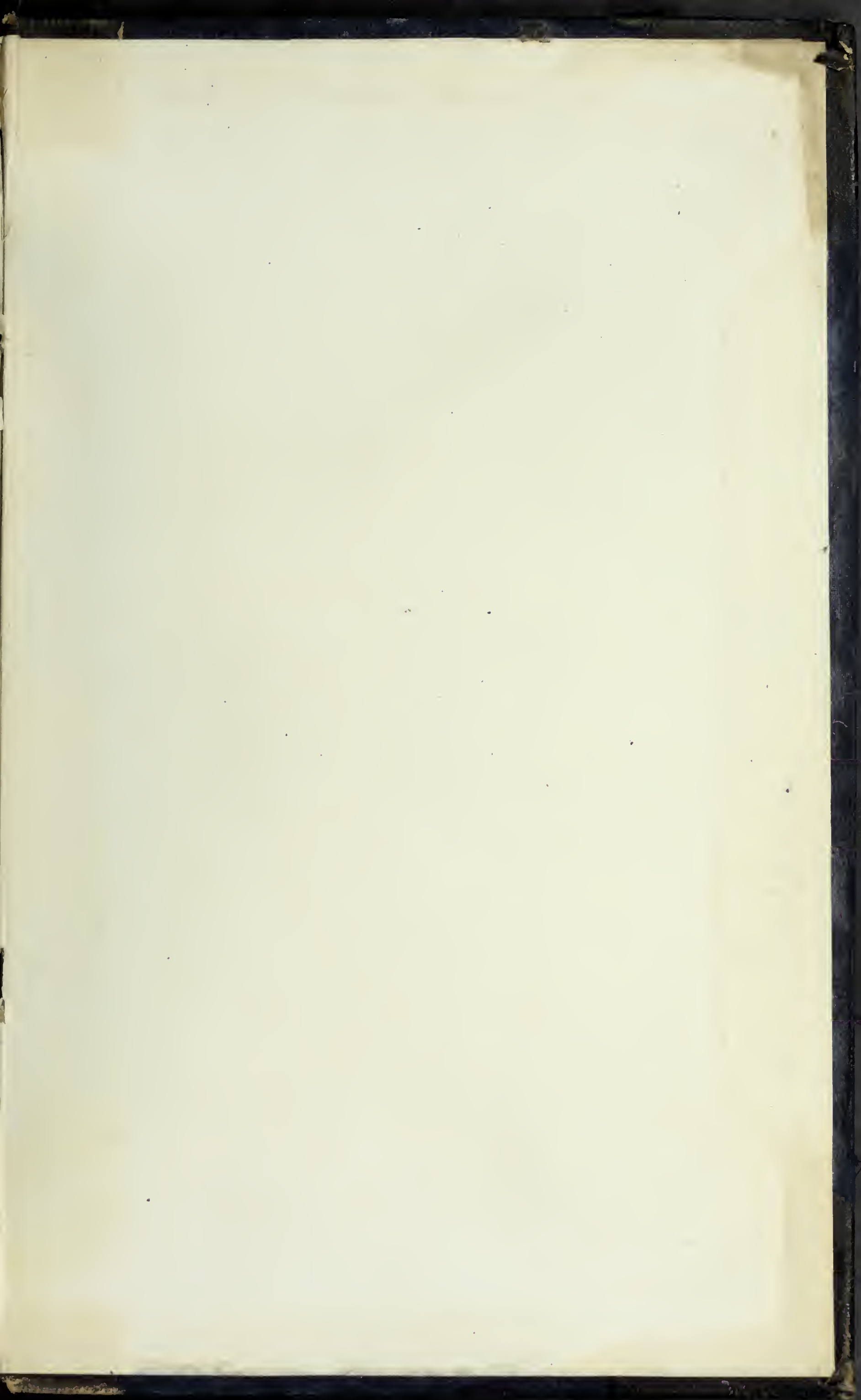
“The boycotting of Mr. J. Hegarty still continues, and is the cause of the greatest possible excitement. The house is watched by members of the Millstreet Land League, and on Wednesday evening some members of Mr. Hegarty's household and those leaguers got into collision, and a very serious row occurred, which was continued at intervals until the following night. On Christmas Day, Mr. Hegarty and five others, named Riordan, swore informations against five men—named Corkerley, Kelleher, Sullivan, Connor, and Riordan—for riot, who were arrested on that night, and carried before Mr. McCarthy O'Leary, D.L., who allowed them out on their own recognizances to come up on the following Monday morning, when he accepted bail for their appearance.”

My Lord, Wednesday, the 29th, is the paper, and therefore the date that is mentioned Wednesday evening, would be Wednesday, the 22nd December. That date was mentioned by Mr. Hegarty in his evidence.

(Mr. Lockwood.) We understand, at this time Alderman Cooper was the sub-editor of the paper. I do not know what importance is attached to it. I will not ask my friend to read these extracts further, but I may have to call your Lordship's attention to other observations in those articles.

(Sir H. James.) Certainly. We put the paper in. My friends have a right to refer to it.

(Adjourned to to-morrow at 10.30.)



UNIVERSITY OF ILLINOIS-URBANA
Q. 941.58 G792S C001 v.2
Special Commission Act 1888: C.S. Parne



3 0112 089742453